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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy One, we desire to do Your will. May we acknowledge You as the source of all that is worthy. Thank You for Your gracious righteousness that is the same yesterday, today, and forever. Lord, help us to find rest and contentment in You.

Remind our lawmakers not to seek security apart from You. May they not forget that righteousness exalts a nation and that You are our shelter and shield. Equip them with everything good for doing Your will. Give them steadfast hearts, which no unworthy affection may drag downward. Teach them to serve You as You deserve.

And, Lord, sustain those who are dealing with the trauma of the Amtrak train derailment in Philadelphia.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. PAUL). The majority leader is recognized.

AMTRAK TRAIN DERAILMENT

Mr. MCCONNELL. Mr. President, many of us awoke to terrible news this morning. We are still awaiting more information about what happened outside of Philadelphia, but we know this tragedy will touch the lives of many.

The Senate sends its condolences to the victims, those who were injured, and their families and loved ones. We also reaffirm our gratitude to our Nation's first responders.

TRADE LEGISLATION

Mr. MCCONNELL. Mr. President, it was really quite something to watch President Obama's party vote to filibuster his top domestic legislative priority yesterday. That is what we saw right here in the Senate. It left pretty much everyone scratching their heads.

The Democratic leader made clear yesterday that he was not interested in debating the ''merits of the bill.'' In other words, he told us that this filibuster is for political reasons only.

It makes sense, considering that this filibuster is all about appeasing a facts-optional crowd on the left that hasn't been able to marshal much of a serious, fact-based argument to support its opposition to more American exports and more American trade jobs.

You don't have to take my word for it. It is President Obama who said the far left's arguments don't ''stand the test of fact and scrutiny.'' It is President Obama who says the far left is just ''making stuff up.'' And it is President Obama who warns the far left about ''ignoring realities.''

In other words, hardly anyone believes there is a serious policy leg for these folks to stand on—not that there is a viable process excuse for this filibuster, either.

A senior Senator in the Democrat leadership essentially rebutted the latest process argument yesterday. He said: ''[N]o one disputed in committee that we'd get a vote separately''—separately—''on the customs bill'' because it contained a provision, he said, that would bring down TPA.

What we can infer from this is that the demand to merge four separate trade bills—including the Customs bill—into one trade bill isn't a strategy designed to pass better trade legislation but a poison pill designed to kill it. So we certainly won't be doing that, because our goal here should be to score a serious policy win for the American people and not claim a symbolic scalp for the extreme left.

That is why Republicans have chosen to work closely with President Obama to advance a serious trade and economic growth agenda. It is not a natural position for us, I assure you, or for the President to be in politically, but we agree that strengthening the middle class by knocking down unfair trade restrictions is a good idea. Since we agree on the policy, I think we have a duty to the American people to cooperate responsibly to pursue it. And that is just what we have done. Not a single Republican—not one—voted yesterday against at least opening the debate on this 21st century American trade agenda.

Now, all that is needed to move forward is for our Democratic friends who tell the public they support trade to withdraw support for a filibuster they know is wrong on the merits.

Yes, I understand it may be uncomfortable for our Democratic colleagues to cross loud factions in their party, but Republicans proved yesterday that it is possible to put good policy over easy politics.

So Democrats have to choose. Will they allow themselves to keep being led around by the most extreme elements of their party, even when it runs counter to the needs of their constituents, or will they take a stand and lead? The American people are counting on them to make the right choice.

When they do, they will find the same willing partners who have always been here. They will find we are ready to continue working across the aisle in good faith to move forward.

Recall that we have only gotten as far as we have already because of a significant bipartisan compromise on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Chairman HATCH's part. He worked very closely with Senator WYDEN to hammer out a trade package that garnered an astonishing 20 votes in the Finance Committee, with just 6 Senators opposed—just 6. That huge level of bipartisan support really surprised everybody. We have seen some unfortunate partisan rear-guard action since then that is designed to sink these American trade jobs. But we can rise above it. That is why Republicans remain committed to carrying forward the kind of bipartisan momentum we saw over in the Finance Committee, just as we have been all along on other issues. We are happy to work with any Senator in a serious way. The door is open.

I have made clear that there would be an open amendment process. I have made clear that Senators would receive fair consideration once we proceed to debating this bill. The bipartisan path forward I offered yesterday morning is still on the table. I remain committed to the significant concession my party already made about processing TPA and TAA. I don't like TAA. I think it is a program very hard to defend. But I understand that if we are going to get TPA, our friends on the other side need TAA. If Chairman HATCH and Senator WYDEN can agree to other policies, we can consider those, too. What we won't be doing is pursuing poison-pill strategies such as the one I mentioned already.

Let's also agree that no Senator is in a position to guarantee that some bill can clear both Houses of Congress, receive a signature from the President, secure the blessings of the Supreme Court, and whatever else our friends might demand. This wouldn't be much of a democracy if Senators could actually make such an impossible guarantee.

So look, we want to have a serious discussion. We want to actually get a good policy outcome. That has always been our goal. I hope more will now join us to allow debate on the trade discussion our constituents deserve.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

AMTRAK TRAIN DERAILMENT

Mr. REID. Mr. President, I join with the majority leader in extending my thoughts to the terrible situation in Pennsylvania. That accident occurred last night at 9 p.m. We now have six reported dead and many, many more injured. There were about 300 people on that train. I join him in commending the first responders for the work they did and are doing as we speak.

TRADE LEGISLATION

Mr. REID. Mr. President, we have heard the expressions ''red herring'' and ''loss leader,'' all these terms that try to focus attention someplace where it shouldn't be focused. That is basically what the Republican leader has done this morning.

He, of course, misconstrued what I said on the floor yesterday. I said that I am not here to debate the intricacies of this trade bill. Some can do that better than I. I have no qualms about saying that about myself. It is a very specialized area. But I do understand that the debate was not taking place because we were not on the bill. I said that I understand the procedure around here—and I do.

The procedure is pretty simple. It is a fact that virtually all legislation that passes the Senate needs major bipartisan support. This year is an example. Nearly every bill passed by the Senate has enjoyed the support of over 90 percent of Senate Democrats. It is just a reality that the 114th Congress will take Democratic votes to get things done.

Many Democrats don't support fast-track. I don't. The vast majority of Democrats don't. But without following all of the loss leaders, the red herrings the Republican leader threw out, the Finance Committee reported out four bills, and it is only logical we consider all four of them.

I have said, and I say it again, it is only logical we take the Republican leader's words for what they are. He said: Let's get on the bill, and then we will start the amendment process.

Well, we can't start the amendment process very well if we are not having an opportunity to amend and change the bills that aren't there. They would just be thrown to the winds. That is, Customs is very important and enforcement and, of course, the situation dealing with African trade.

We put a reasonable alternative on the table for Senate Republicans to accept. All the Republican leader needs to do is say yes, and we can open debate on these trade bills.

ANTI-SEMITISM

Mr. REID. Mr. President, last week there were celebrations all around the world celebrating the 70th anniversary of Victory in Europe Day.

Here in our Nation's capital, we celebrated the day that Europe was officially liberated. Just outside of the Capitol, dozens of World War II aircraft flew up and down the Mall honoring and celebrating the end of the war that engulfed Europe—over the Lincoln Memorial, the National World War II Memorial, the Washington Monument, over the Capitol, and points in between.

I grew up in a little town and I was a little boy, but I can still remember the war ending. I don't really remember what I remember, but I knew it was something that was important to everybody there. It was a big deal in Searchlight, as it was everyplace in America. The war was at an end. Americans were thankful that the war was over. They were thankful that their fathers, sons, brothers, and—yes, Mr. President—World War II daughters were able to come home. They had fought valiantly on battlefields across the world, and they would be coming home—as I mentioned, the women, the WAVES, the WACs, and SPARS—all these women, thousands and thousands who participated in the war, for that manner.

Across America we were all happy that freedom and democracy had prevailed over a regime that was fueled by hatred.

I heard on the radio this morning a brief account of Winston Churchill. That was many years ago, 70 years ago today giving a speech. He had only been Prime Minister 3 days, and he gave one of his most famous speeches, about all he had to offer. They were engulfed in this war. They were doing it alone. It was a stunning speech that history will always remember. But after that war was over, we were happy. England was happy. Freedom and democracy had prevailed over a regime that was fueled by hatred.

As I got older and could understand a little more, I first became really focused on World War II. I am sorry to say I did not do it until I was in college, but I remember it as if it were 5 minutes ago, looking at those pictures in the book ''The Rise and Fall of the Third Reich'' by William Shirer. Those pictures I will never ever forget. I can see them now in my mind's eye. In that book, there were pictures of the liberation of the concentration camps.

I learned how the world learned of the enormity of the Holocaust, the genocide of 6 million Jews. The world saw the incredible extent to which the Nazis had taken their hatred of the Jews. It is hard to comprehend, but nothing—nothing—could adequately describe how horrible the situation was. Sadly, though, as I look around the world today, there are still glimpses of that same hate that we as a human race had hoped to extinguish those seven decades ago.

It is not always on the front pages of the press or on the television sets, but it is still there. Hate wears many masks: violence, intimidation, segregation, vile rhetoric, and, of course, disenfranchisement. Anti-Semitism is that and more. Though it assumes different identities, in the end, it is still hate. It pains me to say there seems to be a resurgence of anti-Semitism across the world. I look at Israel and I see the vicious attacks carried out against innocent Jews there: the slaughter of Jewish worshipers in a Jerusalem synagogue last November; Hamas's campaign of terror, indiscriminately targeting innocent Israelis with their thousands and thousands of rockets.

I look at Europe and see the heinous acts being perpetuated there against Jews. For example, in the Netherlands, the home of a prominent rabbi was attacked twice in one week. In Paris,

hundreds and hundreds of protesters attacked synagogues, smashed the windows of Jewish shops and cafes, and set several afire. In France, there was also an attack on a Jewish grocery store following the Charlie Hebdo shootings. Anti-Semitic slogans, such as ''Gas the Jews'' have been shouted at several demonstrations throughout Germany. Jewish museums throughout Norway were forced to close because of fear of attacks.

I look at the United Nations Human Rights Council in Geneva and am sickened by its long history of bias against Israel and the people of Israel. Then I see what is happening on some college campuses here in the United States, and I am shocked by the vitriol being directed at Jews and supporters of Israel.

Last Sunday, the New York Times reported that in the midst of campus debates about boycotts of Israel, Jewish students felt increasingly intimidated. At several colleges, swastikas have been painted on the doors of Jewish fraternities and in some instances on the doors of Jews who were in their rooms. Some Jewish students feel the need to hide their heritage and support for Israel given the intense backlash. That is sad.

The former president of the University of California system, Mark Yudof, recently was quoted as saying:

> Jewish students and their parents are intensely apprehensive and insecure about this movement. I hear it all the time: Where can I send my kids that will be safe for them as Jews?

That is just stunning. Bigotry and hatred have no place in the world today, especially not in a country that has long prided itself on being a beacon of freedom and acceptance. Instead, it is incumbent upon all Americans to not only stand up to anti-Semitism wherever we see it but also to stand in solidarity with the Jewish people.

Three things: Let's stand against anti-Semitism; let's stand with Israel and the Jews throughout the world; and, third, let's stand against hate.

THE MIDDLE CLASS

Mr. REID. I want to say a brief word about something I mentioned as I started my remarks. My friend, the Republican leader, has stated that the extreme left is causing a problem on this bill. It is not the extreme left. It is Democrats who are concerned about the middle class.

We do not focus here on the middle class. Republicans are focused elsewhere. We have done nothing on minimum wage, and we have done nothing on student debt. We have done nothing on equal pay for men and women. We have done nothing to create jobs—nothing. We are here. In a matter of 1 week or 2 weeks, the authorization for highways will be gone. It is different than other authorizations we do because under the law we passed previously, when that law expires, there is no contract authority, and that program will come to a screeching halt. We have a few dollars left to carry on for a few more weeks, but it will not be spent.

It is a shame my friend, the Republican leader, keeps referring to the extreme left—whatever that means—when we start talking about the middle class. That is one reason we are concerned about this trade bill that is before us today.

Mr. President, would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided, with the majority controlling the first half.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GARDNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTH KOREA

Mr. GARDNER. Mr. President, I rise to speak about the threat from North Korea to U.S. national security and to our friends and allies in East Asia.

On May 9, North Korea claimed it had test-fired a ballistic missile from a submarine, raising concerns across the region. If these reports are accurate, experts point out that North Korea may have succeeded for the first time in installing a missile launcher of about 2,500 tons onto a submarine.

If that is true, with this test, North Korea violated a series of United Nations Security Council resolutions, including resolutions 1718, 1874, 2087, and 2094.

According to a more cautious assessment from South Korean officials, it appears North Korea will be able to deploy a fully operational submarine capable of launching a ballistic missile in only 4 to 5 years. This launch is the latest confirmation of Pyongyang's growing nuclear and ballistic missile capabilities while the Obama administration seems to have fallen asleep at the switch with regard to our policy to deter the growing North Korea threat.

According to the Director of National Intelligence's 2015 Worldwide Threat Assessment, ''North Korea's nuclear weapons and missile programs pose a serious threat to the United States and to the security environment in East Asia.''

We should remember North Korea has already tested nuclear weapons on three separate occasions—2006, 2009, and in February of 2013. Most recently, nuclear experts have reported that North Korea may have as many as 20 nuclear warheads, a number that could double by next year, and that Pyongyang has the potential to possess as many as 100 warheads within the next 5 years.

We know North Korea is a nuclear proliferator. They cooperated with the Syrian regime on their nuclear weapons program before Israeli jets destroyed that facility in 2007. We know North Korea's conventional arsenal is rapidly expanding and threatens not only our close allies in South Korea and Japan but could also threaten the United States, our homeland, in the near future.

According to the DNI, ''North Korea has also expanded the size and sophistication of its ballistic missile forces, ranging from close-range ballistic missiles to ICBMs, while continuing to conduct test launches. In 2014, North Korea launched an unprecedented number of ballistic missiles.''

The DNI report goes on to say that ''Pyongyang is committed to developing a long-range, nuclear-armed missile that is capable of posing a direct threat to the United States.'' We should not forget that North Korea is an aggressive, ruthless regime that is not even afraid to kill its own innocent people.

On March 26, 2010, North Korean missiles sank the South Korean ship Cheonan, killing 46 of her crew, and several months later shelled a South Korean island, killing four more South Korean citizens. It is also quickly developing other tools of intimidation as well, such as cyber capabilities, as demonstrated by the attack on the South Korean financial and communication systems in March of 2013 and the infamous Sony Pictures hacking incident in November of 2014.

We should also not forget that this regime remains one of the world's foremost abusers of human rights. The North Korean regime maintains a vast network of political prison camps where as many as 200,000 men, women, and children are confined to atrocious living conditions and are tortured, maimed, and killed.

On February 7, 2014, the United Nations Human Rights Council released a report detailing North Korea's horrendous record on human rights. Here is a description of some of the torture methods common in North Korea as described by former North Korean state security officials interviewed for the report.

> The room had wall shackles that were specially arranged to hang people upside down. Various other torture instruments were also provided, including long needles that would be driven underneath the suspect's fingernails and a pot with a water-hot chili pepper

concoction that would be poured into the victim's nose. As a result of such severe torture, suspects would often admit to crimes they did not commit.

This report makes for horrifying reading and gives us a glimpse of the utter depravity of this regime. What then is the U.S. policy to counter North Korea's belligerence and human rights abuses? The answer is precious little.

The administration's policy of strategic patience has been a failure. All that our so-called patience has done is allowed the regime to significantly advance its military capabilities and to systematically continue to torture its own people.

I call on the administration to immediately reverse course and begin the process of applying more pressure to the North Korean regime through additional financial sanctions, increased military engagement with our allies in the region, and more assertive diplomacy with China, which wields significant control over the fate of the regime.

We should never negotiate with Pyongyang without imposing strict preconditions that North Korea take immediate steps to halt its nuclear program, cease all military provocations, and make credible steps toward respecting human rights of its people.

We should not forget that in a deal with the United States over 20 years ago, North Korea pledged to dismantle their nuclear program. Today, we are reaping the harvest of failed policies of engagement with a regime that has no respect for international agreements or international norms.

As it negotiates with other rogue states that seek to obtain nuclear weapons to threaten the free world, I urge the administration to draw the appropriate conclusions from our failed North Korea policy.

As we talk about human rights violations and violations of international norms, there was a report printed yesterday with the headline ''North Korea Said to Execute a Top Official, With an Antiaircraft Gun.'' This is a country violating human rights, killing its own people, and willing to watch as its own people starve to death. Now there is a report that they are killing people with anti-aircraft guns. This is a regime that doesn't deserve strategic patience but deserves the full commitment of the United States in our efforts to make sure we are bringing peace to the region and long-term peace to the world.

I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Wyoming.

TRADE PROMOTION AUTHORITY

Mr. BARRASSO. Mr. President, last week we passed an important bill that protected the rights of the American people. It said the people in Congress have a right to be involved in an agreement the President negotiates on Iran's nuclear program. Well, that was an important piece of legislation, and I was glad to see it passed with overwhelming bipartisan support.

The bill on trade promotion authority, which we have been talking about this week, is also very important. This bill is about U.S. trade with other countries and the proper role Congress should play in that. It is also very much about America's future, and that is why Republicans are so committed to this piece of legislation.

The problem is Senate Democrats have pulled the rug out from under the American people and the President. They blocked the Senate from even considering this important piece of legislation. This is not the normal story of Democrats v. Republicans or Senator REID v. Senator MCCONNELL. Oh, no. This is a story about Senator REID v. President Obama.

America's economy grew by just 0.2 percent in the first quarter of this year. When the Democratic leader orders the Senators on his side of the aisle to block this bill, is he saying the American people should be satisfied with 0.2 percent growth? Is that satisfaction?

If we are going to get America's economy going and growing again, we need to increase opportunities for America's farmers, ranchers, and manufacturers to sell their products overseas.

According to the Commerce Department, 95 percent of the world's customers live outside the United States. That means there are billions of people around the world who want to buy American products, and that means creating jobs for Americans who make those products. It means lower prices for many of the products Americans want to buy at home. It means more money for the American economy, which is good for all of us. Now, all of that comes from more U.S. trade with other countries.

The bill we are debating right now is very important to American families and to the American economy. Trade promotion authority is a valuable tool. It helps make sure there are strong rules that hold other countries accountable for their unfair trade practices. It also helps us forge agreements to tear down the barriers that block American goods from foreign markets. The sooner we renew trade promotion authority, the sooner American families can start reaping the benefits.

It is outrageous Senate Democrats are keeping us from taking this step to help these families all across the country. The benefits of trade are substantial for places such as my home State of Wyoming.

Exports from Wyoming to other countries amounted to almost $2 billion last year—$2 billion. The Wyoming chemical industry alone exported nearly $1 billion worth of material.

One of our most important chemical exports is soda ash, which is a chemical used to make things such as glass and detergents. It is the largest inorganic chemical export in the United States, and it is responsible for thousands of American jobs. Our producers face high tariffs in some countries, and they are competing with China for the customers.

If we pass this bill and follow that up with the kind of trade deals it allows, we could add another $40 million in new soda ash exports, and that means a lot of jobs here at home.

Trade promotion authority helps give American producers a fair chance to compete for business overseas.

In Wyoming, our farmers and ranchers also export beef, lamb, and grain. We export machinery, minerals, and energy from our oil and gas producers. Wyoming's presence in the global marketplace has been increasing, and we as a nation cannot afford to stop that progress now. We need more access to more markets and we need fair competition.

So the question is: Why are the Democrats standing in the way of all of that? Democrats are blocking more than just the money for American workers and our economy. Economic prosperity itself strengthens our Nation and makes it more secure.

Ronald Reagan once said: ''Our national security and economic strength are indivisible.'' He understood that national defense is expensive and that America needs a strong economy to pay for it. Reagan understood that American trade with other countries can help strengthen our military alliances as well. American goods sold overseas provide an American presence all around the world. They are economic boots on the ground.

The Secretary of Defense, Ash Carter, said something similar in a speech last month. He said: ''Our military strength ultimately rests on the foundation of our vibrant, unmatched, and growing economy.''

He said the kinds of trade deals this bill would promote are ''as important to me as another aircraft carrier.'' Now, that is the current Secretary of Defense agreeing with what President Ronald Reagan said years ago.

The Defense Secretary also talked about what all of us in the Senate know to be true: If America does not continue to lead in global commerce and does not attract more trading partners, someone else will. More likely than not, that is going to be China.

America needs to step up and start negotiating effective, fair, and enforceable trade agreements or we are going to be allowing China to write the rules for global trade. If that happens, every Senator here knows those rules will not favor American workers and American exports. Senate Democrats know that, and they are still standing in the way of this legislation.

Last year, our exports supported nearly 12 million American jobs. That is an increase of 2 million jobs since 2009. It is great news, but it is not enough.

According to the latest numbers that came out last Friday, there are another 17 million Americans who are either unemployed, are working part time because they cannot find full-time work or have absolutely given up and stopped looking for a job. There are 17 million Americans who are waiting for our economy to really start growing again.

We need to create more stable, long-term jobs for those Americans who have been left behind by the weak economy over the past 6 years. More U.S. trade with other countries can help make that happen. This trade promotion authority bill is the first step toward reaching that goal and Democrats know that. Why then are they fighting so hard to make sure this bill fails? Why are they fighting so hard to block those jobs? This legislation would give the President a clear roadmap—a roadmap to follow while negotiating trade deals. It also ensures that Congress and the American people have a say about whether a deal goes through. That part is extremely important.

I mentioned the fight we just had with the White House to make sure the American people and Congress can review an agreement with Iran over its nuclear program. Well, this bill says right up front that Congress will get to have an up-or-down vote on any trade deals.

This isn't about expanding the powers of the President. I know a lot of Senators have serious concerns about how President Obama has abused his authority in unchecked and unprecedented ways. A lot of Americans have those same concerns. This bill is not just about this President. It is about the next President and the one after that. It is about American workers, American families, and growing the American economy for all of us. It is about making sure America continues to lead and Americans continue to prosper. American exports to other countries are the key to this. This bill on the floor right now can make sure all of that happens, and it makes sure the American people have their say.

It is time for Senate Democrats to call off their destructive fight with the President. It is time for Senate Democrats to stop blocking trade, stop blocking jobs, and stop blocking progress for American families and for our economy.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN VIOLENCE

Mr. MURPHY. Mr. President, on May 4, 2015, Officer Brian Moore was killed in the line of duty. This was an exceptional young police officer in New York City. He was young enough that he still lived in his father's home, but he was experienced enough, old enough that he had already become a decorated officer in the NYPD and had made over 150 arrests since joining the department just 5 years ago.

Commissioner Bill Bratton said: ''In his very brief career, he already proved himself to be an exceptional young officer.''

We have heard a lot about law enforcement gone wrong, but the reality is that every single day police officers are under threat and they are in danger.

All Brian Moore did on the evening of May 2 was pull up behind someone who was acting in a suspicious manner, and as they began talking to him, the man turned and fired at the car. Officer Moore was struck in the cheek. He had trauma to his brain. Ninety minutes after the shooting, officers arrested the man who perpetrated this crime. He did it with a stolen weapon—one of 23 weapons that were stolen in a 2011 robbery at Little's Bait & Tackle Pawn Shop in Perry, GA.

Detective Mike Cerullo said of him:

He was a great kid. I can't say a bad thing about him. He always had a smile on his face.

Officer Moore was an officer who was rising through the ranks very quickly and who was beloved in his community. He grew up on Long Island, tragically and ironically in a town with an athletic field at the high school named after Edward Byrne—another alumnus of that high school who was killed in the line of duty as a 22-year-old rookie in 1988. That name may be familiar to us because we now hand out millions of dollars in Byrne grants all across the country—another alumni of this particular high school shot down.

Brian is one of 86 people across this country who are killed by guns every day—2,600 a month and 31,000 a year. Not every single one of these deaths is preventable. I don't know whether Brian Moore's was preventable. But what I know is that many of these deaths are preventable, that there has to be a reason why these numbers are so out of whack with every single other country in the industrialized world. A lot has to do with the reality of this place, that as these numbers continue to go up day after day, month after month, year after year at catastrophic levels, we do absolutely nothing about it.

We have to start thinking about not just the cost to the families—and it is not just the mother and the father and the brother and the sister. If we look at the pictures of Brian Moore's funeral, they are heartbreaking, seeing the tragedy that is washing over the family members.

The average homicide by gun has 22 different victims who are affected by it. It often leads to cycles of violence in which there are killings for retribution, in which the trauma spirals lives of children and brothers and sisters downward.

Let's look for a second at the cost of one murder. Here are some numbers overall. A recent study showed that the annual cost of gun violence in America is $229 billion with a ''b.'' That is $47 billion more than Apple's 2014 worldwide revenue. But here is the cost of just one murder—$441,000 in direct costs. Eighty-seven percent of it is paid for by taxpayers. It costs over $400,000 to lock up the perpetrator, $2,000 when he is charged and sentenced, $11,000 for mental health treatment for the victim's families, $10,000 for the victim's hospital expenses, $450 just to transport to the hospital, and then $2,000 for police response and investigations.

That is not why we should take on the issue of gun violence in this country; we should do it simply to try to stop this scourge of murders. But if we care about being a good steward of the taxpayers' dollars, then $441,000 a year that could be saved just by eliminating one of the 86 a day seems like a pretty good deal.

Jose Araujo, from Milford, CT, was working for Burns Construction Company in Bridgeport when he was shot at his job on a construction site after a suspect asked for a job and he was referred to the company office. He started to head for the office, but then he turned around and shot Jose.

A family friend said:

He was a gentle giant. Wherever he walked in there was a smile on his face. He always gave you a strong handshake.

Another friend said:

He's nice, generous and a man of peace.

Jose's girlfriend said:

He was such a great person and if the world had more people like him—oh, what a beautiful world we would live in.

Jose leaves behind a 5-year-old son.

Sanjay Patel was killed on April 6 in New Haven, CT. He was just working, as millions of other Americans do, putting in his hours as a manager at a CITGO gas station, when he was shot four times by an apparent robber at the station. The perpetrators took money and store merchandise. Specifically, they stole a box of cigars. They killed this guy over a box of cigars.

Sanjay's wife was 6 months pregnant at the time. He told her he didn't want her to work while she was pregnant, in part because she had been injured in a house fire last year. In a tearful interview, she said her husband took excellent care of her and the baby. He brought her ice cream and breakfast in bed. ''This is my first baby,'' she said, ''and my husband was so happy.''

The stats are overwhelming, whether it be the number of people who are killed by guns or the cost to U.S. taxpayers. I try to come to the floor every couple of weeks just to give voice to the victims of gun violence, figuring that if the numbers don't move this place, maybe the stories of those who are lost will. I can only tell a few a

day, but, frankly, it would take me more time than we have here for debate on the floor to tell 86 stories every single day.

This isn't just about the fact that I come from Newtown, CT; this is about the fact that there is a regular drumbeat of gun violence throughout this country. By doing nothing in the Senate and the House week after week, month after month, year after year, we effectively become complicit in these murders. We silently endorse this epidemic of gun violence when we don't even try to make gun trafficking illegal at a Federal level; when we don't stand with 90 percent of the American public and the vast majority of gun owners—80 to 90 percent—and simply say you shouldn't be able to get a gun if you are a criminal and you have to prove you are not a criminal before you get a gun; when we don't endorse simple gun safety technology to make sure the gun that was used to kill Officer Moore can't be used by someone who isn't its intended user, its owner, the technology developing—we could help; we could assist—that would cut down on stolen firearms that are used to kill and hurt people.

I will keep coming down to the floor whatever chance I get to tell a handful of these tragic stories from Connecticut, to New York, to Chicago, to Los Angeles, giving voices to the victims of gun violence so that someday, somehow, the Senate will recognize that although we can't eliminate these numbers, although we can't bring them down to zero, with smart, commonsense legislation, we can make sure these numbers are much lower than they are today and that there is much less tragedy visited on American families and much less cost to American taxpayers.

I yield back, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Mr. President, I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL POLICE WEEK

HONORING DEPUTY SHERIFF MATTHEW CHISM AND OFFICER EDDIE JOHNSON

Mr. BLUNT. Mr. President, all across the country right now people are honoring the men and women who serve in law enforcement as we honor National Police Week. I was the cochair of the Senate Law Enforcement Caucus. Senator COONS and I founded that caucus when we came to the Senate a little over 4 years ago. I am proud to be able to speak on behalf of those who serve and their families.

I just had a meeting with the Federal Law Enforcement Association to talk about the challenge of these jobs and the challenge to families and the importance of understanding the moment you are in. One of the observations I made to them—going back to some legislation I worked on a few years ago to allow police officers to carry their weapons when they went from State to State—is that you may not remember everybody that you arrested, but everybody you arrested remembers you.

The vulnerability of police and their families is sometimes equal to and sometimes exceeds the vulnerability of those of us whom the police, every day, step up to protect. This is a week when we really take a moment to recognize that. We take a moment to recognize those who serve. I want to pay tribute today particularly to two Missouri officers who were killed in the line of duty last year: Deputy Sheriff Matthew Chism of the Cedar County Sheriff's Office and Officer Eddie Johnson of the Alton Police Department.

Deputy Sheriff Chism, of Stockton, MO, was tragically killed in November of last year. He was 25 years old. Deputy Sheriff Chism was shot and killed while conducting a traffic stop. He had served with the Cedar County Sheriff's Office for just under 2 years. Deputy Sheriff Chism is survived by his wife and his young son. Clearly, that family has paid a tremendous price for the willingness of their husband and father to step up and defend us.

Officer Eddie Johnson, Jr., of Alton, MO, was involved in a fatal vehicle crash while responding to a structure fire on October 20 of last year. In addition to being an officer with the Alton Police Department, Officer Johnson also served as the fire chief of the volunteer fire department and as a reserve deputy for the Oregon County Sheriff's Department. He was 45 years old. He is survived by his wife and their three children.

So difficult things happen to those who serve. We saw two of our officers, the St. Louis County police officers at Ferguson, MO, who were shot recently as someone was shooting into a crowd there expressing concern about police activity. But the very people trying to be sure that the crowd was able to express that concern were then the victims of violence that has not yet been really figured out—why the person who fired those shots was shooting at a crowd, whether he was shooting specifically at police in that crowd or just shooting into the crowd or what that person was doing.

The desire of people who serve and put on that uniform every day is to serve and protect. That is their No. 1 goal, I am confident, in virtually every case in taking that job. The No. 1 hope of their family is that those people come home safely at the end of their shift. You know, life is uncertain in many ways, but more uncertain when you actually decide you are going to pursue a service to others that puts you intentionally in harm's way—people who are not only prepared to serve but willing to serve, prepared to stand in the way of danger to others but willing to stand in the way of danger to others. It is a determination of what to do that other people don't make and don't bear the responsibility the same way. So it is important for us right now to think about those who serve.

I was glad to join Senator CARDIN as a cosponsor, with others, of the National Blue Alert Act—the Rafael Ramos and Wenjian Liu National Blue Alert Act. This bill created a national alert system to apprehend violent criminals who have seriously injured or killed police officers. These two officers were killed while in their squad car. This alert system would be used to quickly get that information to other police agencies and to the public, as they are trying to find someone who would think about doing that sort of thing.

We passed that bill on April 30. The House of Representatives passed it yesterday. It is now on the way to the President's desk. It is a good thing for us to step up and be willing to do. This is a job where you go to work every day not knowing what is likely to happen that day. We saw events in my home State, in Ferguson, MO, last August that brought attention to the danger that police face.

I heard even the President talking about Baltimore just a few days ago. He made the comment that we have difficulty in communities and difficulty in people's lives—people who are not prepared for opportunities and they do not get opportunities. The President said something like this: And then we send the police into those environments, and we act surprised when bad things happen, when unfortunate things happen, when violence occurs, when police are in the middle of a situation that suddenly does not work out the way any of us would want it to.

Police are dealing with major problems. I cosponsored with Senator STABENOW last year the Excellence in Mental Health Act, trying to be sure that we are dealing with people's behavioral health problems like we deal with all other physical health problems. One out of four adult Americans has a behavioral health problem that is diagnosable—according to the NIH, almost always treatable—and then one out of nine has a behavioral health problem that severely impacts how they function as an individual, according to the National Institutes of Health.

We have no greater support of that effort to try to begin to try to treat behavioral health like all other health than the police organizations around the country that stepped forward and have said: This is a problem that we deal with all the time, and there are better ways to deal with it than expecting police officers to deal with someone whose behavioral health problem leads them to violence or into another situation.

By the way, people with behavioral health problems are more often the victims of violence than they are the perpetrators of violence. So often this is part of what we ask police to respond to. We expect police to be psychiatrists and psychologists and first responders and experts at protecting others. Then, we can easily begin to want to question what equipment they used, what uniform they were told they needed to have on for the exercise that they were about to participate in, the public safety moment they were about to be part of.

These are hard jobs. They are difficult jobs that often come into the moment of difficulty in other people's lives—people who for whatever reason do something that they would normally not do, react in a way that they might normally not react or react out of incredible frustration because of the situation they found themselves in. But we expect the police to step forward and immediately be able to respond to that situation in a way that protects others. Does every police officer do the right thing every time? Probably not. Does almost every police officer do their very best to do the right thing ever time? Absolutely, they do. It is the exceptions that get attention, as they should. But for those of us who every day benefit and benefit in this building from the work they do—I remember on 9/11. One of my memories of 9/11 is that I am one of the last people to leave the Capitol Building and the police officer who is there telling me to get out as quickly as I could. As she says that to me, I realize, as I am leaving the door to try to get to a safer place, she—the police officer who says that I need to get out of here right now—is still standing at the place where she told me: You need to get out of here right now. Whoever else might have been left in the building, she was trying to be sure that they got out of the building, too.

That is what we expect the police to do. That is what their families know every day when they go to work, that they may be called on to do extraordinary things. For those who serve, we are grateful. This is an important week to be grateful to police officers whom we see and police who are helping us whom we do not see. So I am pleased to be here to thank them for their service.

TRADE

Mr. BLUNT. Mr. President, on another topic, I would just like to say that I hope we can move forward with the ability to have trade agreements. I was disappointed yesterday that we were not able to move forward and not vote on a trade agreement but to vote on the framework that at some point in the future would allow us to negotiate a trade agreement.

You cannot get the final negotiation on a trade agreement unless the people with whom you are negotiating know that the trade agreement is going to be voted on—yes or no—by the Congress. It cannot be an agreement that the Congress can go back and look at and say: Well, we do not really like that provision. We do not like this provision. Let's send it back, but let's not do what they said they were willing to do as part of this negotiation.

Trade is good for us. Trade is in almost all cases about tearing down barriers to our products, because we have very few barriers to those that we trade with. So trade is almost always an opportunity to sell more American products in other countries, particularly as it relates to the most likely first agreement we would get if we would get trade promotion authority. That agreement, the Trans-Pacific Partnership, will make a huge difference in the way that part of the world develops, if they develop based on a trade relationship where the rule of law matters, a trade relationship where everyone is treated in a way where you are looking for a way to come back and have more ability to work together in the future, where you are working on trade relationships where not every ounce of profit has to be made on any one deal, because you are always thinking about what happens next.

We have great opportunities there and they do too. That part of the world will be dramatically different 10 years from now and even more different 20 years from now, if our system becomes a system that becomes the basis for how they move into their economic future and create economic opportunity for them and for us—as opposed to the other alternatives, which are much more colonial in nature, much more cynical in nature, much more likely to be one big trading partner, and there is one little trading partner in every deal.

That is not the way this works. That is not the way it should work, but we can't get to that final opportunity for American workers unless we have an agreement where we understand what happens to that agreement once it has been negotiated.

The best thing, the best offer does not come until the people on the other side of the negotiating table know they are doing this under trade promotion authority, an authority that every President since Franklin Roosevelt has had, and every President since Franklin Roosevelt asked for, until this President, who didn't ask for it until his second term and then clearly didn't do anything to push for it until after the congressional elections last year.

But this is a 6-year ability to create more opportunities for American workers and jobs that provide good take-home pay for American workers. I hope the unfortunate decision not to move forward and get this done is a decision the Senate quickly has a chance to rethink, revote on, and move forward.

With that, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. FLAKE). Morning business is closed.

ENSURING TAX EXEMPT ORGANIZATIONS THE RIGHT TO APPEAL ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 1314, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 58, H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

The PRESIDING OFFICER. The Senator from Arkansas.

OUR COUNTRY'S WORD ON THE INTERNATIONAL STAGE

Mr. COTTON. Mr. President, it has been nearly 2 years since the Syrian tyrant Bashar al-Assad attacked his own people with sarin gas, crossing President Obama's so-called red line. At the time, President Obama grudgingly called for airstrikes against Assad but hesitated at the moment of decision. When Secretary of State Kerry opened the door to a negotiated solution, Vladimir Putin barged in, allowing Assad the pretext of turning over his chemical weapons to avoid U.S. airstrikes. The amen chorus proclaimed a strategic master stroke.

But it wasn't so. Street-smart observers were onto Assad's game. He only needed to keep a tiny fraction of his chemical stockpile to retain his military utility. Syria thus could open most—but not all—of its facilities at no cost to the regime.

In fact, because most of Syria's chemical agents were old, potentially unreliable yet still dangerous, the regime actually benefitted by getting the West to pay for the removal of the old stockpiles.

And where are we now? Exactly where a few of my colleagues and I warned we would be. News reports just this week indicate that the Organisation for the Prohibition of Chemical Weapons has discovered new evidence of sarin gas and VX nerve agent—9 months after the organization declared Syria had disposed of all of its chemical weapons. In the meantime, Assad has simply shifted to chlorine gas for chemical attacks against his own people, which is also prohibited by the Chemical Weapons Convention, even though Syria signed that convention as part of President Obama's deal in 2013.

I am appalled by these reports that the Syrian regime has obtained stocks of chemical weapons, but I cannot say I am surprised. Anyone with eyes to see knew the message President Obama had sent. When he flinched in 2013 in the face of Assad's brazen and brutal

use of sarin gas on civilians, it only emboldened Assad to continue testing U.S. resolve.

Of course, the fallout goes far beyond Syria. The failure to enforce the U.S. red line against the use of chemical weapons in Syria has severely damaged U.S. credibility around the world. I hear this message from leaders of countries not just in the region but across the globe. The message sounds most loudly with Iran, where the Ayatollahs continue their headlong pursuit of nuclear weapons capabilities with impunity. Regrettably, then, we are reaping the bitter fruits of President Obama's weakness in 2013.

There are two simple lessons we must draw from this sad sequence of events. First, our country's word on the international stage must be good and it must be credible. When a President draws a red line and fails to back it up, it only emboldens our enemies and makes America appear as the weak horse. Remember, Osama bin Laden famously said that when given the choice between a weak horse and a strong horse, people will, by nature, root for the strong horse. Under Barack Obama, America increasingly looks like the weak horse.

Second, we cannot trust tyrannical regimes to abide by agreements unless we force them to do so. This means that any agreement with Iran about its nuclear weapons program must contain the most stringent conditions, impose the most intrusive verification procedures, and ultimately prevent Iran from obtaining a nuclear weapons capability.

The framework agreement President Obama has reached with Iran meets none of those standards. Moreover, the administration's concealment of Syria's cheating surely foreshadows how it will look the other way when Iran cheats on any final deal.

Assad's cheating on his chemical weapons agreement today is devastating for the people of Syria, but Iran's cheating on a nuclear agreement in the future could be catastrophic for the United States and the world at large.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATRIOT ACT

Mr. CORNYN. Mr. President, in February, the Director of the National Counterterrorism Center estimated that nearly 20,000 foreign fighters had joined ISIS or other related groups in Syria. Among those, some 3,000 were from Western countries. In other words, many of them either had American passports or those that are part of the visa waiver program and could travel, really, without anything other than that passport in the country. Over 150 were from the United States.

Just last week, in describing the widespread nature of this growing threat, FBI Director James Comey said that the FBI is working on hundreds of investigations in the United States, hundreds of investigations. In fact, according to Comey, all 56 of the FBI's field divisions now have open inquiries regarding suspected cases of homegrown terrorism—again, not people coming from Syria or Afghanistan or someplace in the Middle East, these are often Americans who have become radicalized due to the use of social media or the Internet—much as 5 years ago we saw at Fort Hood, TX, a major in the U.S. Army, Nidal Hasan, who had been radicalized by a cleric, Anwar al-Awlaki.

Major Hasan actually pulled out his weapon and killed 13 people, 12 uniformed military, 1 civilian, and shot roughly 30 more in a terrible terrorist attack at Fort Hood, TX.

So today we are not just worried about a major attack on a significant cultural or economic hub, we also have to worry about ISIS-inspired terrorists all around the country, even as we witnessed in my home State of Texas just on May 3.

When you begin to look at the story—that I will ask to be made part of the RECORD—written by the New York Times on May 11, 2015, it explains how this new threat of homegrown terrorism is inspired. I will quote a few pieces of it:

> Hours before he drove into a Texas parking lot last week and opened fire with an assault rifle outside a Prophet Muhammad cartoon contest, Elton Simpson, 30, logged onto Twitter.
>
> ''Follow @__AbuHu55ain,'' Mr. Simpson posted, promoting a Twitter account believed to belong to Junaid Hussain, a young computer expert from Birmingham, England, who moved to Syria two years ago to join the Islamic State and has become one of the extremist group's celebrity hackers.

Well, there is a question—as the article goes on to say—whether or not Mr. Simpson and his colleague, who came, I believe, from Phoenix, AZ, and went on to Garland, TX, to carry out this attack—whether they were actually recruited ahead of time by ISIL or whether ISIL just claimed credit after the fact. But the article goes on to say:

> It was the first time that the terror group had tried to claim credit for an operation carried out in its name on American soil. . . . Yet Mr. Simpson appears to have been part of a network of Islamic State adherents in several countries, including the group's hub in Syria, who have encouraged attacks and highlighted the Texas event as a worthy target.

Mr. President, I ask unanimous consent to have printed in the RECORD, following my remarks, this New York Times article from May 11, 2015, and a Wall Street Journal article from May 12, 2015, by Michael B. Mukasey.

So what FBI Director Comey has expressed concern about recently is apparently very real. It is as real as the daily newspaper recounting the attack on May 3 in Garland, TX, of all places.

Terrorists are sending a clear signal to those in the United States and other Western countries: If you can't fight us abroad, we are going to bring the fight to you in your own country.

This heightened threat environment has led Pentagon officials to raise the security level at U.S. military bases. The last time the threat level was raised to this level was the 10th anniversary of the September 11 attacks.

I still remember when the former admiral, Bobby Inman, who served for a long time in the Navy and then also in the intelligence community, was asked about 9/11. He said: It wasn't so much a failure of intelligence, as it was a failure of imagination.

Nobody imagined that terrorists would hijack a plane and fly it into one of our Nation's highest skyscrapers, thus, in the process, killing approximately 3,000 people.

So we need to remember not to have a failure of imagination when it comes to the tactics used by terrorists and those who inspire them abroad. Remarks like those from Director Comey and the Director of our National Counterterrorism Center are certainly troubling ones for us to hear, and it counsels caution.

While the United States has been mostly successful in thwarting attacks on our homeland since 9/11, the threats are still very real. In fact, the terrorist threat has evolved and become more complex in recent years.

In Texas, we rightly recognize that the role of government should be constrained to focus on core functions. At the Federal level, of course, this means things such as passing a budget. But surely it also means protecting our country and its security and the security of the American people.

That brings me to some business that we are going to have to conduct here in the Congress sometime within the next couple of weeks before certain provisions of the U.S. PATRIOT Act expire on June 1. I believe that if we allow these provisions to expire, our homeland security will be at a much greater risk. So I think we need to talk a little bit about it and explain not only the threat but what our intelligence community and our national security officials are doing, working with Congress and the administration, to make sure Americans are safe, and the PATRIOT Act is part of it.

I recognize there are many who perhaps haven't read the PATRIOT Act or whose memories have perhaps dimmed since those terrible events on 9/11 and who think we don't need the PATRIOT Act. But I would argue that the PATRIOT Act serves as a tool for intelligence and law enforcement officials to protect our Nation from those who are seeking to harm us. Three of those useful tools will expire at the end of the month, including section 215, which allows the National Security Agency to access certain types of data, including phone records.

There has been a lot of misunderstanding and, frankly, some of it downright deceptive, about what this does, when, in fact, section 215 is a business records collection provision that happens to be applied to collecting phone records but not the content of phone records. This is one of the misleading statements made by some folks who think we ought to let this provision expire.

Right now, under current law, which is set to expire June 1, our intelligence community can get basically three types of information about a phone record: the calling and receiving number, the time of the call, and the duration. That is it—no content, no names or addresses. You can't even get cell tower identification that would tell one where the call is coming from.

Much has been said about this program, and, as I said, much of it misleading or downright false, but I want to focus now on the oversight that is built into this program because I think Americans understand we need to take steps in a dangerous world to keep the American people safe, but they also value their privacy, and justly so. We all do. So it is important to remind the American people and our colleagues as we take up this important provision of law about what we have already built into the law to protect the privacy of American citizens who are not engaged in any communication with foreign terrorists or being inspired by foreign terrorists to commit acts of terrorism here in the homeland.

Let me talk about the barriers we have created in the law for an NSA—National Security Agency—analyst to overcome before seeing any real information from this data. First, for the NSA to have access to phone records at all—at all—a special court must approve an order requiring telephone companies to provide those call records to the Agency. That order has been in place since roughly 2006, where the Foreign Intelligence Surveillance Court, the specialized court created by Congress for this purpose, has issued an order requiring the telephone companies to turn over these call records—again, no content, no name and address, but merely the sending number, the receiving number, and the duration. That is the core information which is required.

It is important to point out that these records include only the most basic limited information. They do not include the information I suggested earlier—the content, names and addresses, and the like.

So the National Security Agency is not, as some have assumed wrongly, able to retrieve old phone conversations. They do not collect that sort of information, nor are they able to simply listen in on any American's phone conversations under this authority. That would be a violation of the protections Congress has put in place under the provisions of the PATRIOT Act.

Before an analyst at the NSA can even search for or query the database, they must go through even more controls, and these are important. To be granted the ability to search the database, the analyst must demonstrate to the FISA Court—the Foreign Intelligence Surveillance Court created by Congress for this purpose—that there is a reasonable, articulable suspicion that the phone number is associated with terrorism.

This is similar—not the same but similar—in many respects to the protections offered in a criminal case under the Fourth Amendment to the Constitution where law enforcement agencies would have to come in and establish probable cause that a crime has been committed before a search would be allowed. But since this is an investigation into foreign-induced terrorist activity, the standard Congress set was a reasonable, articulable suspicion that the phone number is associated with terrorism. If the court determines that standard has been met, they can grant access to the conversation but not under any other circumstance.

If the NSA believes the phone number belongs to someone who intends to attack our country, the Agency must go back to court another time to be granted other abilities to surveil that individual.

In addition to these checks and balances between the National Security Agency and the courts, all three branches of government have oversight over this program. And strong oversight of the intelligence community is absolutely essential to safeguarding our freedoms and our liberty.

Because parts of this program are by and large classified, you are not going to hear public debates about it. Indeed, that puts defenders of the program at some disadvantage to those who attack it—sometimes in a misleading or deceptive sort of way—because it is very difficult to counter that with factual information when they are talking about a classified program, or parts of which are classified. It is important that our enemies don't know exactly what we are doing because then they can wire around it.

We live, of course, in a world with many threats, as I said, many of them in our backyard. Many of them can be thwarted with good intelligence and law enforcement. And I make that distinction on purpose—intelligence and law enforcement. Law enforcement—as we learned with 9/11, we can't just treat terrorism as a criminal act. It is a criminal act, but if we are going to stop it, we need access to good intelligence to thwart it before that act actually occurs. It is not enough to say to the American people: Well, we will deploy all of the tools available to law enforcement to prosecute the person who murders innocent people. We need to keep the commitment to protect them from that innocent slaughter in the first place, and the only way we do that is by using legitimate tools of intelligence, such as this program I am discussing.

Earlier this year, for example, the United States frustrated a potential attack by a man from Ohio. He was an ISIS sympathizer and had plans to bomb the building we are standing in today, the U.S. Capitol. That potential attack was thwarted by the use of good intelligence under the limitations and strictures and procedures I described a moment ago. Over the past 2 years, the FBI has told us they have stopped 50 American citizens from traveling overseas and joining the Islamic State and then coming back. So clearly the intelligence community has a vital role to play in safeguarding the American people in our homeland.

Some in the intelligence community have said the bulk data collection I have described here briefly has led to a safer United States, and it is because of programs such as these that we are much better off than we were pre-9/11. That is very important because the last thing I would think we would want to do here in Congress is to return us to a pre-9/11 mentality when it comes to the threat of terrorism both abroad and here at home and to make it harder for our national security personnel to protect the American people.

I believe the portion of the PATRIOT Act in question provides our intelligence community with the tools they need in order to effectively protect all Americans.

I have been briefed on this program. We just had a briefing yesterday by the Office of the Director of National Intelligence, by the FBI Director, by DOJ personnel, and by the leader of the National Security Agency. It was held downstairs in a secure facility because, as I said, much of it was classified. Much of it we can't talk about without alerting our adversaries to ways to circumvent it. But all responsible Members of Congress have taken advantage of the opportunity to learn about how this program works as part of our oversight responsibilities.

I remain convinced that this program, like many others, has helped to keep us safe while using appropriate checks and balances to ensure that our liberties remain intact. And Congress, by maintaining strong oversight of these and other government programs, can have a win-win situation that both protects American lives and protects American liberties.

Mr. President, I want to draw my colleagues' attention to an opinion piece that appeared today in the Wall Street Journal that was written by Michael B. Mukasey, who, of course, was a former U.S. district judge and more recently Attorney General of the United States from 2007 to 2009. General Mukasey writes in this article about the Second Circuit opinion that has prompted so much recent discussion about section 215 of the PATRIOT Act and the bulk metadata collection process I described a moment ago. I think he makes some very important points.

First of all, he makes the important point that it is a good thing Congress has created a special Foreign Intelligence Surveillance Court because the Second Circuit Court of Appeals, no matter how good they are as judges, simply doesn't have the experience to deal with parsing the law on intelligence matters and things such as this 215 provision I talked about a moment ago.

He makes the important point that intelligence by its nature is forward-looking and our criminal justice system, which is what most courts have experience with, is backward-looking—in other words, something bad has already happened and the police and investigators and prosecutors are trying to bring somebody to justice for committing a criminal act. But our intelligence community is supposed to look forward and to help prevent those terrible accidents or incidents from occurring in the first place.

The second point General Mukasey makes in this article is that the Second Circuit panel of judges assumes that many Members of Congress are simply unaware of the provisions of the PATRIOT Act I mentioned earlier—section 215, this metadata collection—which is a terrible and glaring mistake on the part of the Second Circuit panel.

As I pointed out yesterday, just as we have done many times previously, Members of the Senate and the Congress generally have regular or at least periodic briefings on these intelligence programs as part of our oversight responsibilities. For the Second Circuit panel to suggest that Congress didn't know what it was talking about when it authorized these programs and when it wrote this provision of the law is simply erroneous.

The third point General Mukasey makes is that the judges didn't even stop the program in the first place. So it makes one really wonder why they handed down their opinion about 3 weeks before the expiration of this provision, when Congress is going to have to take up this matter anyway, unless they wanted to have some impact on our deliberations here.

What Attorney General Mukasey suggested, I think, is good advice. There needs to be an appeal to the Second Circuit Court en banc and then to the U.S. Supreme Court to get a final word. We don't need to settle on what he calls a ''Rube Goldberg'' procedure that would have data stored and searched by the telephone companies, he says, whose computers can be penetrated and whose employees have neither the security clearance nor the training of the NSA staff.

Mr. President, I commend this article to my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 11, 2015]

CLUES ON TWITTER SHOW TIES BETWEEN TEXAS GUNMAN AND ISIS NETWORK

(By Rukmini Callimachi)

Hours before he drove into a Texas parking lot last week and opened fire with an assault rifle outside a Prophet Muhammad cartoon contest, Elton Simpson, 30, logged onto Twitter.

''Follow @__AbuHu55ain,'' Mr. Simpson posted, promoting a Twitter account believed to belong to Junaid Hussain, a young computer expert from Birmingham, England, who moved to Syria two years ago to join the Islamic State and has become one of the extremist group's celebrity hackers.

This seemingly routine shout-out is an intriguing clue to the question of whether the gunmen, Mr. Simpson and Nadir Soofi, 34, both of Phoenix, were acting in concert with the Islamic State, also known as ISIS or ISIL, in carrying out an attack outside a community center in Garland, Tex. The Islamic State said two days later that the two men, who were killed by officers after opening fire, were ''soldiers of the Caliphate.'' It was the first time that the terror group had tried to claim credit for an operation carried out in its name on American soil.

As the gunmen were driving toward the Curtis Culwell Center, Mr. Hussain logged onto Twitter himself from half a world away, firing off a series of posts in the hour before the attack began at 7 p.m. on May 3. One message posted to his account about 5:45 p.m. seemed to predict imminent violence: ''The knives have been sharpened, soon we will come to your streets with death and slaughter!''

After the attack, Mr. Hussain was in the first wave of people who praised the gunmen, before his account was suspended.

Law enforcement officials have not presented any conclusive evidence that the Islamic State planned or directed the attack. Yet Mr. Simpson appears to have been part of a network of Islamic State adherents in several countries, including the group's hub in Syria, who have encouraged attacks and highlighted the Texas event as a worthy target.

Counterterrorism officials say the case shows how the Islamic State and its supporters use social media to cheerlead for attacks without engaging in the secret training, plotting and control that has long characterized Al Qaeda. But a close look at Mr. Simpson's Twitter connections shows that he had developed a notable online relationship with some of the Islamic State's best-known promoters on the Internet, and that they actively encouraged such acts of terror.

Speaking of the Texas case last week, James B. Comey, the director of the Federal Bureau of Investigation, said the distinction between an attack ''inspired'' by a foreign terrorist group and one ''directed'' by the group ''is breaking down.''

''It's not a useful framework,'' he added.

Mr. Simpson was radicalized years before the Islamic State announced in 2014 that it was creating a caliphate, a unified land for Muslims, and drew global attention for territorial gains and brutal violence. He was investigated by the F.B.I. starting in 2006 and was sentenced to probation in 2011 for lying to investigators. But like many young Muslims drawn by the sensational image of the Islamic State, he enthusiastically joined its virtual community of supporters.

An analysis of Mr. Simpson's Twitter account by the SITE Intelligence Group, which tracks extremist statements, found that Mr. Simpson followed more than 400 other accounts, including ''hardcore I.S. fighters from around the world.'' They included an alleged British fighter for the Islamic State, known as Abu Abdullah Britani, who according to SITE is believed to be Abu Rahin Aziz, a radical British national who skipped bail to join the terror group. They also included an alleged American fighter called Abu Khalid Al-Amriki and numerous female Islamic State jihadists.

Many of Mr. Simpson's posts announced the new Twitter handles of Islamic State members whose accounts the social media company had suspended, messages commonly called ''shout-outs.''

''He was taking part in shout-outs of ISIS accounts that were previously suspended, and this shows a pretty deep involvement in the network online,'' says J. M. Berger, a senior fellow at the Brookings Institution and co-author of a book about the Islamic State. ''He was wired into a legitimate foreign fighters network.''

Starting last fall, the Islamic State has repeatedly called for attacks in the West by supporters with no direct connection to its core leadership, and there have been at least six attacks in Europe, Canada and Australia by gunmen who appeared to have been inspired by the group. Each attacker left an online trail similar to that of Mr. Simpson, though not all were in contact with Islamic State operatives in Syria.

A review of Mr. Simpson's Twitter account shows that he interacted not just with sympathizers of the Islamic State, but also with fighters believed to be in Syria and Africa. Some of these fighters later posted on Twitter details of Mr. Simpson's biography not yet in the public sphere, suggesting that he had shared details about his life with them.

''The thing that clearly stands out if you peruse the Texas shooter's timeline is his third to last tweet,'' the one promoting Mr. Hussain, said Daveed Gartenstein-Ross, a senior fellow who researches extremism at the Foundation for the Defense of Democracies and who shared a PDF of Mr. Simpson's Twitter history.

Veryan Khan, who helps run the Terrorism Research and Analysis Consortium, said that Mr. Simpson probably urged others to follow Mr. Hussain in order to draw broader attention to his forthcoming attack. ''He wanted to make sure everyone in those circles knew what he'd done,'' she said. ''It was attention-seeking—that's what it looks like,'' added Ms. Khan, whose organization tracks some 5,000 Islamic State figures and supporters.

While still living in Birmingham, Mr. Hussain rose to notoriety as a hacker working under the screen name Tr1Ck, and he was believed to be a core member of what was called TeaM p0isoN. The team claimed a string of high profile cyberattacks, hacking into a Scotland Yard conference call on combating hackers and posting Facebook updates to the pages of its chief executive, Mark Zuckerberg, and former President Nicolas Sarkozy of France.

Mr. Hussain was eventually arrested, and he served a six-month prison sentence before traveling to Syria. He has since been linked to a number of Islamic State hacking attacks overseas, though some security officials have doubts about his role.

Another well-known promoter of the Islamic State who engaged with Mr. Simpson was a jihadist known on Twitter as Mujahid Miski, believed to be Mohamed Abdullahi Hassan, a Somali-American from Minnesota. Though Mr. Hassan lives in Somalia, he has emerged as an influential recruiter for the group.

On April 23, the account Mujahid Miski shared a link on Twitter to a listing for the Muhammad cartoon contest and goaded his followers to attack it. ''The brothers from the Charlie Hebdo attack did their part. It's time for brothers in the #US to do their part,'' he wrote. Among the nine people who

retweeted his call to violence, according to SITE, was Mr. Simpson.

Three days later, Mr. Simpson reached out to Mujahid Miski on Twitter, asking him to message him privately. Whether they actually communicated, or what they may have said, is not publicly known. Minutes before Mr. Simpson arrived at the cartoon event in Garland and began shooting, he went on Twitter one last time to link the attack to the Islamic State. ''The bro with me and myself have given bay'ah to Amirul Mu'mineem,'' he wrote, using the vocabulary of the Islamic State to say that they had given an oath of allegiance to the Emir of the Believers—the leader of the Islamic State, Abu Bakr al-Baghdadi.

''May Allah accept us as mujahedeen,'' he wrote, adding the hashtag ''#TexasAttack.''

Among those who retweeted this last post was Mr. Hussain, the Islamic State hacker in Syria. ''Allahu Akbar!!!!'' he wrote. ''2 of our brothers just opened fire at the Prophet Muhammad (s.a.w) art exhibition in Texas!'' he added, using the Arabic abbreviation for ''peace be upon him.''

After Mr. Simpson's death, Mujahid Miski tweeted a series of posts, calling Mr. Simpson ''Mutawakil,'' ''One who has faith,'' a variation on Mr. Simpson's Twitter handle, ''Atawaakul,'' meaning ''To have faith.''

''I'm gonna miss Mutawakil,'' Mujahid Miski wrote. ''He was truly a man of wisdom. I'm gonna miss his greeting every morning on twitter.''

[From the Wall Street Journal, May 12, 2015]

IMPEDING THE FIGHT AGAINST TERROR

THE APPEALS-COURT RULING ON SURVEILLANCE WILL HAVE DAMAGING CONSEQUENCES IF OBAMA DOESN'T APPEAL

(By Michael B. Mukasey)

Usually, the only relevant objections to a judicial opinion concern errors of law and fact. Not so with a federal appeals court ruling on May 7 invalidating the National Security Agency's bulk collection of telephone metadata under the USA Patriot Act.

Not that the ruling by the three-judge panel of the Second Circuit in New York lacks for errors of law and fact. The panel found that when the Patriot Act, passed in the aftermath of 9/11, permitted the government to subpoena business records ''relevant'' to an authorized investigation, the statute couldn't have meant bulk telephone metadata—consisting of every calling number, called number, and the date and length of every call.

That ends up subpoenaing everything, the panel reasoned, and what is ''relevant'' is necessarily a subset of everything. In aid of this argument the panel summons not only the dictionary definition of an investigation, but also the law that relates to a grand-jury subpoena in a criminal case, which limits the government to ''relevant'' information.

Yet the judicial panel failed to consider the purpose of the statute it was analyzing. The Patriot Act concerns intelligence gathering, which is forward-looking and necessarily requires a body of data from which potentially useful information about events in the planning stage may be gathered. A grand jury investigation, by contrast, is backward-looking, and requires only limited data relating to past events. A base of data from which to gather intelligence is at least arguably ''relevant'' to an authorized intelligence investigation.

Equally serious an error is the panel's suggestion that many, perhaps most, members of Congress were unaware of the NSA's bulk metadata collection when they repeatedly reauthorized the statute, most recently in 2011. The judges suggest that an explanation of the program was available only in ''secure locations, for a limited time period and under a number of restrictions.'' In addition to being given briefing papers, lawmakers had available live briefings, including from the directors of the FBI and the National Intelligence office.

In any event, no case until the judicial panel's ruling last week has ever held that a federal tribunal may engage in telepathic hallucination to figure out whether a statute has the force of law.

The panel adds that because the program was highly classified, Congress didn't have the benefit of public debate. Which is to say, no truly authorized secret intelligence-gathering effort can exist unless we let in on the secret those from and about whom the intelligence is to be gathered. Overlooked in this exertion is the Founders' foresight about the need for secrecy—expressed in the body of the Constitution in the requirement that each legislative house publish a journal of its proceedings ''excepting such Parts as may in their Judgment require Secrecy.''

But isn't the misbegotten ruling by this trio of federal judges correctable on appeal? Or won't it be made moot because the Patriot Act must be reauthorized by June 1 and Congress will either enact substitute legislation, or let the statute lapse, or simply reauthorize it with full knowledge of how the program works? Here the Second Circuit's opinion is problematic in ways not immediately apparent.

The judges didn't reverse the lower-court opinion upholding the NSA data-collection program and order the program stopped. Rather, the panel simply vacated that opinion and sent the case back to the lower court to decide whether it is necessary to stop the program now. By rendering its order in a non-final form, the panel made it less likely that the Supreme Court would hear the case even if asked, because the justices generally won't take up issues that arise from non-final orders.

Moreover, the opinion tries to head off the argument that if Congress reauthorizes the Patriot Act in its current form, lawmakers will have endorsed the metadata program. The panel writes: ''If Congress fails to reauthorize Section 215 itself, or re-enacts Section 215 without expanding it to authorize the telephone metadata program, there will be no need for prospective relief, since the program will end.'' That is, unless Congress adopts the panel's view of what Congress has done, rather than its own view of what it has done, the program must end.

Then there is the opinion's timing. The case was argued eight months ago. This opinion, or one like it, easily could have been published in time for orderly review by the Supreme Court so the justices could weigh matters arguably critical to the nation's security. Or the panel could have followed the example of the D.C. Circuit and the Ninth Circuit—which have had cases involving the NSA's surveillance program pending for months—and refrained from issuing an opinion that could have no effect other than to insert the views of judges into the deliberations of the political branches.

What to do? An administration firmly committed to preserving all surveillance tools in a world that now includes al Qaeda, Islamic State and many other terror groups, would seek a quick a review by the Supreme Court. But President Obama has already stated his willingness to end bulk collection of metadata by the government. Instead, he wants to rely on a Rube Goldberg procedure that would have the data stored and searched by the telephone companies (whose computers can be penetrated and whose employees have neither the security clearance nor the training of NSA staff).

The government, under Mr. Obama's plan, would be obliged to scurry to court for permission to examine the data, and then to each telephone company in turn, with no requirement that the companies retain data and thus no guarantee that it would even be there. These constitute burdens on national security with no meaningful privacy protection.

The president's plan would make protecting national security more difficult. We would all have been better off if the Second Circuit panel had avoided needless complication and instead emulated the judicial modesty of their Ninth Circuit and D.C. Circuit colleagues.

Mr. CORNYN. I yield the floor to the majority leader.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 1 p.m. today, the Senate proceed to executive session to consider Executive Calendar No. 80, the nomination of Sally Yates to be Deputy Attorney General; that there be 1 hour for debate, equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; that following disposition of the nomination, the motion to reconsider be considered made and laid upon the table; that no further motion be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session and the motion to proceed to H.R. 1314.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here today for the 99th time to remind us that we are sleepwalking our way to a climate catastrophe, and that it is time to wake up.

NOAA, the National Oceanic and Atmospheric Administration of the United States, recently announced an ominous milestone. This March, for the first time in human history, the monthly average of CO_2 in our atmosphere exceeded 400 parts per million. This chart shows the global concentration of carbon dioxide over the last few years as measured by NOAA. The level varies with the seasons. The Earth sort of inhales and exhales carbon dioxide as the seasons pass. But overall, we can see the steady prominent upward march of CO_2 levels, rising right here to above 400 parts per million for the month of March 2015.

Scientists at NOAA's Mauna Loa Observatory in Hawaii first measured an atmospheric concentration of CO_2 above 400 parts per million in 2013—for the very first time. It reached up and it

touched 400 parts per million for the first time and then receded again. Now, 2 years later, as we continue dumping carbon pollution into the atmosphere, the average weekly air sample from NOAA's entire global network of sampling stations measured an average—a month-long average—of 400 parts per million for the entire month of March. That is a daunting marker.

Global carbon concentrations haven't been this high for at least 800,000 years, much longer—much longer—than humankind has walked the Earth. Every year, that concentration increases.

The fact that increasing levels of carbon in the atmosphere warm the planet has been established science for 150 years. Science on this was being published in scientific journals when Abraham Lincoln in his top hat was walking around Washington. We have pumped more and more carbon pollution into the atmosphere, and we have measured corresponding changes in global temperatures.

Now, there is some mischief afoot, people who cherry-pick the data to create false impressions—to create false doubt. Well, the honest thing to do is to look at all of the data. When we look at all of the data, we see long-term warming. We see warming so obvious that scientists call the evidence unequivocal—unequivocal. That is about as strong a science word as we can have.

Evidence of the changing climate, the consequences of unchecked carbon pollution, abounds: more extreme weather, rising sea levels, and warming and acidifying oceans—all as predicted. These changes are already starting to hurt people, through more severe heat waves, parched fields, flooded towns and homes, altered ecosystems, and threatened fisheries. We have certainly seen the fisheries change at home in my State of Rhode Island. We are already starting to pay the price of our continued and reckless burning of fossil fuels.

Dr. James Butler, the Director of NOAA's Global Monitoring Division, says:

> Elimination of about 80 percent of fossil fuel emissions would essentially stop the rise in carbon dioxide in the atmosphere, but concentrations of carbon dioxide would not start decreasing until even further reductions are made.

We need to cut our use of fossil fuels, we need to cut energy waste, and we need to generate more of our energy from clean and renewable sources. We need to do it, and we can do it. We have the technologies and the policies available right now. We can choose to level the playing field for clean energy, to make polluters pay for the climate costs of their pollution, and to move forward to a low-carbon economy—the one with the green jobs, with the American innovation, with the safer climate. But we are not going to get there with business as usual.

That brings me to the fast-track trade bill, which, I am glad to say, failed its procedural vote in the Senate this week—a bill that would make it easier for the administration to commit the United States to new sweeping trade agreements.

The first agreement waiting to get through is the Trans-Pacific Partnership—some call it the TPP—which is being sold as ''a trade deal for the 21st century.'' But when it comes to climate change, the fast-track bill and the Pacific trade bill aren't 21st century solutions. They are business as usual.

Past trade deals have not been kind to workers in Rhode Island. I have been to Rhode Island factories and seen the holes in the floor where machinery had been unbolted and shipped to other countries for foreign workers to perform the same job for the same customers on the same machines. That is what we saw from trade bills. The trade advocates always say it is going to be wonderful, but then what do we see? Jobs offshored again and a huge trade deficit.

Past U.S. trade deals have required participating countries to join some multilateral environmental agreements, including agreements to protect endangered species, whales, and tuna; to help keep the oceans free of pollution; and to protect the ozone layer by reducing the use of HFCs and other ozone-depleting gases. But I haven't seen much enforcement, and everywhere we look things are getting worse. I am not impressed.

When it comes to climate change, the fast-track bill is silent. There is no mention of, let alone protection for, commitments the United States and other countries might make to cut carbon pollution.

The United Nations Framework Convention on Climate Change is the main international agreement for dealing with climate change. The Senate ratified this treaty in 1992, and since then, under various administrations, the United States has taken a leading role under the framework to reach global accord and, particularly, to work to reach a global accord in Paris later this winter. The Paris accord is perhaps our last best hope to put the world on a path that avoids severe climate disruption, even climate catastrophe.

That fast-track bill and the Pacific trade bill ought to enable and support our trade partners to live up to their climate agreement. Those bills ought to protect countries that act to address climate change. In particular, they ought to protect them from the threat of trade sanctions or from corporate challenges seeking to undermine sovereign countries' climate laws.

These 21st century agreements on trade ought to match our 21st century commitments on climate, but they don't. Fast-track is silent on the United Nations Framework Convention on Climate Change and on climate change more broadly. Fast-track provides no protection for our own or any other country's climate commitments. And we have heard nothing to suggest the Pacific trade bill will be any better.

What we do know about the Pacific trade bill is not encouraging. The Pacific trade bill, in its agreement under negotiation as we see it now, includes the horrible investor-state dispute settlement mechanism, called ISDS, a mechanism that allows big multinational corporations and their investors to challenge a country's domestic rules and regulations—outside of that country's judicial process, outside of any traditional judicial process, outside of appeal, outside of traditional judicial baseline principles such as precedent.

Increasingly, these ISDS challenges are being turned against countries' environmental and public health standards. Fossil fuel companies such as Chevron and ExxonMobil have brought hundreds of disputes against almost 100 governments when those governments' policies threaten corporate profits. In fact, more than 85 percent of the more than $3 billion awarded to corporations and investors in disputes have come from challenges against natural resource, energy, and environmental policies.

Last week, on the floor I compared the Big Tobacco playbook—that is the one that was found by a Federal court to be a civil racketeering enterprise—to the fossil fuel industry's scheme to undermine climate action in the United States.

The comparisons are self-evident. Well, the tobacco industry is in on the trade challenge game as well, challenging countries' antismoking measures under the guise of protecting free trade.

If a country wants new health or environmental rules, big multinationals can use this ISDS process to thwart them. They don't necessarily even have to bring the challenge. Just threatening to seek extrajudicial judgments in the millions or even billions of dollars from panels stacked with corporate lawyers can be enough to make countries stop protecting the health of their citizens. We have seen the polluters use these tools already. This is not conjecture. It is what is happening.

Why open U.S. climate regulations to this risk? Why put our commitment to climate action at the mercy of these sketchy panels? What will keep the fossil fuel industry from threatening smaller countries in Paris to discourage them from climate accords? Where are the safeguards? Why should we accept trade deals that do not keep safe from that kind of threat a country's legitimate efforts to control carbon pollution? Why give the polluters this club?

It is not news to Congress that the fossil fuel industry does not play fair; it plays rough. We see that every day. The fossil fuel industry has used Citizens United to beat and cajole the Republican Party in Congress into becoming the political arm of the fossil fuel

industry. The party that brought us Theodore Roosevelt, the party that brought us the Environmental Protection Agency, the party of my predecessor, John Chafee, who is still revered across Rhode Island as an environmentalist, has now become the political arm of the fossil fuel industry. It is not its high point in history. It is a party that lines up behind climate denial.

If the fossil fuel industry is willing to impose its will that way on the Congress, why would we trust them with this ISDS mechanism to threaten and bully governments around the rest of the world?

A 21st-century trade deal ought to acknowledge the 21st-century reality of climate change. We have right now the technology and the ingenuity to address this problem and to boost our economy into the future. For the first time in years, we have international momentum to address this threat. But it does not make sense to act on climate change in Paris and undermine climate action in our trade deals. We need to wake up to that little problem, too.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF SALLY YATES

Mr. SESSIONS. Mr. President, I would like to share some thoughts on the nomination of Ms. Sally Yates to be Deputy Attorney General. That is the second in command at the U.S. Department of Justice. It is a very important position. She has had over the years a good background in general for us to consider that she would be able to handle that job in an effective way. She understands the system. She has been at the Department of Justice for a number of years. I have no concern with her personal integrity or work ethic or her desire to do well.

However, Congress and the executive branch are on a collision course here. A lot of our Members choose not to think sufficiently about it or consider the gravity of it, but I have to say that Congress needs to defend its institutional powers. We have certain powers we can use to defend constitutionally the responsibilities we have and to reject executive overreach—not many, but we have some real powers we can use.

Apparently, it is all right for the President to use all his powers and more. It is perfectly all right, I suggest, that we in the Senate use the powers we clearly and unequivocally and indisputably have.

I want to tell you how I see the situation with this nomination. I asked her directly at her confirmation hearing, as a member of the Judiciary committee, could she answer yes or no—did she think that the President's Executive amnesty is legal and constitutional. Basically, she said yes, she did. She answered that she has been ''serving as the Acting Deputy Attorney General of the Department of Justice. And the Department of Justice is currently litigating this matter.'' She further stated that ''the Department of Justice has filed pleadings with its position and I stand by those pleadings,'' which I suppose she should.

Two things about that. Historically, the Attorney General of the United States understands that their role is different from a lower official, but indeed they have to advise the President on matters of constitutional authority and tell the President no when a strong-willed President wants to do something that is not correct.

They are not a judicial officer; they are part of the executive branch. They should try to help the President achieve things the President wants to achieve as a matter of policy. I do not dispute that. But at some point, if the President is seeking to do clearly unconstitutional or illegal, they should tell the President so and not acquiesce, in my opinion. The honorable thing to do, as has been done in the past, is to resign. But if an Attorney General is firm and clear and stands in a firm position, then often the President will back down and avoid a constitutional crisis and keep our government going in the right way.

The Deputy Attorney General is the Department's second-ranking official and functions as its chief operating officer. The 25 components and 93 U.S. attorneys—I was a U.S. attorney for 12 years, 15 years at the Department of Justice; I am proud of that service and proud of the Department of Justice—they report directly to the Deputy, and 13 additional components report to the Deputy through the Associate Attorney General. So, on a daily basis, the Deputy Attorney General decides a broad range of legal, policy, and operational issues.

Ms. Yates, I suggest, is a high ranking official who holds a position—unlike a U.S. attorney or some section chief—who is involved in the policymaking of the Department of Justice. In addition to that, the litigation going on in Texas before Judge Andrew Hanen is under her direct supervision, and she is monitoring the lawyers who are advocating a position that is opposed by a majority of the State attorneys general of the United States. A majority of them have filed a lawsuit, and they contend that the President's Executive amnesty—an even more dramatic assertion of Executive power than his original amnesty in 2012—is contrary to the law and Constitution. She is direct supervisor over that litigation.

On April 7 of this year, Judge Andrew Hanen issued a blistering opinion in the litigation that is ongoing that the Justice Department attorneys had made ''multiple misrepresentations'' to the court ''both in writing and orally that no action would be taken pursuant to the 2014 DHS Directive until February 18, 2015.''

I would like to read some of the comments from the judge's opinion. Judges take this seriously; they are not just saying these things for fun.

Judge Hanen said this:

> Whether by ignorance, omission, purposeful misdirection, or because they were misled by their clients, the attorneys for the Government misrepresented the facts.

He didn't say that lightly. When U.S. attorneys and other Federal prosecutors appear in court, they have an absolute duty to tell the truth. It is a responsibility that every judge knows and every government attorney knows. When a government attorney goes into court and they are asked whether they are ready, they reply: The United States is ready, Your Honor. They have a duty to respond consistently with the integrity of the United States of America. We all know that.

In this case, the government lawyers asserted that:

> No applications for the revised DACA would be accepted until the 18th of February, and that no action would be taken on any of those applications until March the 4th.

Regarding this, Judge Hanen said:

> This representation was made even as the Government was in the process of granting over 100,000 three-year renewals under the revised DACA.

It goes on:

> In response to this representation, counsel for the States agreed to a schedule more favorable to the Government, and the Court granted the Government's request not only to file a sur-reply, but also to have additional time to do so. The States now argue that they would have sought a temporary restraining order, but for the Government's misrepresentations. A review of the Chronology of Events, attached as an appendix to this Order, certainly lends credence to the States' claims.

That is a pretty serious allegation. Not only did they misrepresent key facts, but they used that misrepresentation to achieve a favorable schedule, which often in litigation is important.

The judge goes on to say:

> The explanation by Defendants' counsel for their conduct after the fact is even more troublesome for the Court. Counsel told the Court during its latest hearing that she was unaware that these 2014 DACA amendments were at issue until she read the Court's February 16, 2015 Order of Temporary Injunction and Memorandum Opinion and Order. Counsel then claimed that the Government took ''prompt'' remedial action. This assertion is belied by the facts. Even if one were to assume that counsel was unaware that the 2014 DACA amendments in their entirety were at issue until reading this Court's February Opinion, the factual scenario still does not suggest candor on the part of the Government.

Government counsel have an absolute duty of candor to the court. That is a serious charge by the Federal judge.

It goes on:

The February Opinion was issued late in the evening on February 16, 2015 (based on the representation that ''nothing'' would happen on DAPA or revised DACA until at least February 18, 2015). As the February Opinion was finalized and filed at night, counsel could not have been expected to review it until the next day; yet, for the next two weeks, the Government did nothing to inform the Court of the 108,081 revised DACA approvals. Instead, less than a week later, on February 23, 2015, the Government filed a Motion to Stay and a Notice of Appeal. Despite having had almost a week to disclose the truth—or correct any omission, misunderstanding, confusion, or misrepresentation—the Government did not act promptly; instead it again did nothing. Surely, an advisory to this Court (or even to the Court of Appeals) could have been included in either document filed during this time period. Yet, counsel for the Government said nothing.

So the court goes on:

Mysteriously, what was included in the Government's February 23, 2015 Motion to Stay was a request that this Court rule on the Motion ''by the close of business on Wednesday, February 25. . . . ''—in other words, within two days. Had the Court complied with this request, it would have cut off the States' right to file any kind of reply. If this Court had ruled according to the Government's requested schedule, it would have ruled without the Court or the States knowing that the Government had granted 108,081 applications pursuant to the revised DACA despite its multiple representations to the contrary.

The attorneys were telling the Court they had not granted any of these applications and had stopped it while, in fact, over 108,000 applications had been issued.

The court goes on to say:

While this Court is skeptical that the Government's attorneys could have reasonably believed that the DACA amendments contained in the 2014 DHS Directive were not at issue prior to the injunction hearing on January 15, 2015, this Court finds it even less conceivable that the Government could have thought so after the January 15, 2015 hearing, given the interplay between the Court and counsel at that hearing. Regardless, by their own admission, the Government's lawyers knew about it at least as of February 17, 2015. Yet, they stood silent. Even worse, they urged this Court to rule before disclosing that the Government had already issued 108,081 three-year renewals under the 2014 DACA amendments despite their statements to the contrary.

The judge goes on to say:

Another week passed after the Motion to Stay was filed and still the Government stood mute . . . Still, the Government's lawyers were silent . . . Finally, after waiting two weeks, and after the States had filed their reply, the Government lawyers filed their Advisory that same night at 6:57 p.m. CST. Thus, even under the most charitable interpretation of these circumstances, and based solely upon what counsel for the Government told the Court, the Government knew its representations had created ''confusion,'' but kept quiet about it for two weeks while simultaneously pressing this Court to rule on the merits of its motion. At the March 19, 2015 hearing, counsel for the Government repeatedly stated to the Court that they had acted ''promptly'' to clarify any ''confusion'' they may have caused. But the facts clearly show these statements to be disingenuous. The Government did anything but act ''promptly'' to clarify the Government-created ''confusion.''

The judge goes on to quote the rules of professional conduct:

The ABA Model Rules of Professional Conduct . . . require a lawyer to act with complete candor in his or her dealings with the Court. Under these rules of conduct, a lawyer must be completely truthful and forthright in making representations to the Court. Fabrications, misstatements, half-truths, artful omissions, and the failure to correct misstatements may be acceptable, albeit lamentable, in other aspects of life; but in the courtroom, when an attorney knows that both the Court and the other side are relying on complete frankness, such conduct is unacceptable.

I don't think that is a little matter. I am just saying this nominee had those lawyers under her supervision at the time this occurred. We have had a lot of talk over the years from Democrats and Republicans about demanding higher standards of professionalism among government prosecutors and lawyers. I think that is a legitimate demand. We have had too many examples of failures.

Sometimes lawyers—I have seen it—for the government have been unfairly criticized. I don't think there is any dispute that the judge's findings in this case represent an accurate statement of the misrepresentations and disingenuousness of these attorneys.

Has any discipline been undertaken against them? I am not saying Ms. Yates knew this. I am just saying that if you are the responsible supervisor, shouldn't you take some action to deal with it, and to my knowledge, none has been taken, even at some point the Department of Justice suggested they did nothing wrong.

Basically, the Department of Justice has said the court is incorrect in its finding, which I don't think can be justified.

On May 7, 2015, the Department of Justice notified the court of an additional misrepresentation regarding approximately 2,000 individuals being granted three-year work authorizations subsequent to this opinion and in violation of the original court order.

OK. So you say, well, maybe she is not responsible for that, but I do believe the Deputy Attorney General—acting now—is responsible for taking action against attorneys who breached the proper standards of ethical conduct. But we are drifting too far, in my opinion, into a postmodern world, where rules don't seem to make much difference. You can just redefine the meaning of words and you can just say—once caught in some wrongdoing—well, we didn't mean it or that is not correct or the facts are different, when the facts show what the facts show. It is an unhealthy trend in this country, I think. It is particularly unacceptable in the Department of Justice. That was a great department. It has high standards. It is filled with many of the best lawyers of the highest integrity anywhere in the world, but sloppy work and disingenuousness cannot be acceptable. I believe the Department of Justice needs to do more, and the primary responsibility, it seems to me, is with the Deputy Attorney General.

Well, what about the fundamental problem of Congress's power to deal with a President who overreaches, a President who makes law rather than enforces law? We learned in elementary school that Congress makes law and the President enforces law. The Chief Executive cannot make up law. He cannot issue decrees and then declare they are the law of the land. How fundamental is that?

Professor Jonathan Turley at George Washington University Law School is a constitutional expert and a supporter of President Obama. He testified before our Judiciary Committee, and other committees, a number of times over the years, mostly for the Democrats, I think—at least from the times I remember. This is what Professor Turley has warned Congress about.

I urge colleagues to understand what we are considering here. He said:

I believe the President has exceeded his brief. The president is required to faithfully execute the laws. He's not required to enforce all laws equally or commit the same resources through them. But I believe the President has crossed the constitutional line in some of these areas.

Here he is referring to the original DACA. He said:

This goes to the very heart of what is the Madisonian system. If a president can unilaterally change the meaning of laws in substantial ways or refuse to enforce them, it takes offline that very thing that stabilizes our system. I believe the members will loathe the day that they allow this to happen.

He is testifying before the House of Representatives and talking directly to Members of Congress. He said that you will loathe the day that you allowed this to happen.

He also said:

This will not be our last president. There will be more presidents who will claim the same authority.

He further said:

The problem of what the President is doing is that he is not simply posing a danger to the constitutional system; he is becoming the very danger the Constitution was designed to avoid: that is, the concentration of power in a single branch. This Newtonian orbit that the three branches exist in is a delicate one, but it is designed to prevent this type of concentration.

That is what Professor Turley said to the Members of the House of Representatives. He goes on to say:

We are creating a new system here, something that is not what was designed. We have this rising fourth branch in a system that is tripartite. The center of gravity is shifting, and that makes it unstable. And within that system, you have the rise of an uber presidency. There could be no greater danger for individual liberty, and I really think that the framers would be horrified by that shift because everything they've dedicated themselves to was creating this orbital balance, and we've lost it.

We need to listen to this. The President is issuing orders that nullify law,

actually creating an entirely new system of immigration that Congress rejected. He proposed all of this, and Congress flatly refused to pass it. He then declares he has the power to do this system anyway, and he is doing it. This judge has finally stopped part of it for the moment.

Professor Turley is talking about deep constitutional questions and what our duty is here. It is not a question of what you believe about immigration or how you should believe the laws are to be written or enforced. We can debate that. But there should be unanimous agreement on both sides of the aisle that the President enforce the laws we have—the laws duly passed by Congress—and not create some new law and enforce them.

Mr. Turley goes on to say:

I believe that [Congress] is facing a critical crossroads in terms of its continued relevance in this process. What this body cannot become is a debating society where it can issue rules and laws that are either complied with or not complied with by the president. . . . [A] president cannot ignore an express statement on policy grounds. . . . Is this [Congress] truly the body that existed when it was formed? Does it have the same gravitational pull and authority that was given to it by the framers?

That is what Mr. Turley says. Then he looks directly at the Members of Congress and says:

You're the keepers of this authority. You took an oath to uphold it. And the framers assumed that you would have the institutional wherewithal, and, frankly, ambition to defend the turf that is the legislative branch.

I think that is a legitimate charge to the Members of Congress—House and Senate.

Professor Turley goes on to say:

The current passivity of Congress represents a crisis for members, crisis of faith for members willing to see a president assume legislative powers in exchange for insular policy gains. The short term insular victories achieved by this president will come at a prohibitive cost if the balance is not corrected. Constitutional authority is easy to lose in the transient shift to politics. It's far more difficult to regain. If a passion for the Constitution does not motivate members of Congress, perhaps a sense of self-preservation will be enough to unify members. President Obama will not be our last president. However, these acquired powers will be passed on to his successors. When that occurs, members may loathe the day that they remain silent as the power of government shifted so radically to the chief executive. The powerful personality that engendered this loyalty will be gone, but the powers will remain. We are now at the Constitutional tipping point of our system. If balance is to be reestablished, it must begin before this president leaves office, and that will likely require every possible means to reassert legislative authority.

What is our authority? How do we reassert power? I believe it is perfectly constitutionally appropriate for us to tell the President of the United States: We are not going to confirm your nominee for Deputy Attorney General of the United States, who is directly supervising the lawsuits, the litigation that is going on that undermines our power and undermines the constitutional authority of the people's branch.

We are not going to confirm them and allow them to continue to go to court every day and take a position directly contrary to the authority that has been given by the Constitution to the Congress. That is pretty simple. So we have that power. We can confirm or not confirm any nominee to any position. We absolutely should not abuse that power. We shouldn't attack people personally and attack their ethics just because we disagree with their policies.

I think Ms. Yates, as I said, is a responsible person, but she is the point person, the supervisor of a litigation that has gone awry in a number of ways in Texas and fundamentally is seeking to advance an unconstitutional power by the Chief Executive. I don't believe it is a little matter. I think it is a big matter. Therefore, I will not vote for her confirmation on that basis.

Some of our Members haven't thought this through yet, but sooner or later we are going to have to confront the stark question of how long can we remain effectively silent in the face of Presidential overreach.

Professor Turley, in January of this year testified before the Senate Judiciary Committee during the confirmation hearing for the Attorney General nominee, and added these words: ''If there is an alternative in unilateral executive action, the legislative process becomes purely optional and discretionary.''

In other words, if the Chief Executive can execute an alternative power to pass laws and execute policies he wants if they are contrary to Congress's will, then the legislative process becomes purely optional and discretionary. It has to be mandatory. It can't be that our power is optional.

He goes on to say:

The real meaning of a president claiming discretion to negate or change Federal law is the discretion to use or ignore the legislative process. No actor in a Madisonian system is given such discretion. All three branches are meant to be locked in a type of constitutional synchronous orbit—held stable by their countervailing gravitational pull. If one of those bodies shifts, the stability of the system is lost.

So the President does not have the power to ignore the legislative process, and we are going to regret this day if we remain silent on this issue.

I appreciate the opportunity to share this with my colleagues. I don't know if anybody is listening at this point. Certainly the American people were horrified by the Executive amnesty carried out by the President last year. He announced it before the election but held off until afterward. Still, there is no doubt in my mind that many of the people who went to the polls in November were voting for a rejection of this kind of Executive overreach. It was a message of this past election.

We took our seats in January, a new Congress is here, and Professor Turley has said we need to act and we are not acting. Professor Turley has said we need to stand up to the Chief Executive, this Chief Executive while he is in office now, and if we don't, when we go to another election cycle, the powers he has aggrandized to himself will be claimed by the next President.

Truly so. That is a grim warning he has given us. I am ready and I think it is time for us to stand up and be clear about this.

So, regretfully, I feel compelled to carry out one of the powers Congress has clearly been given—the power to confirm or reject nominations for higher office. I believe we should reject the nomination for the Department of Justice Deputy Attorney General who is advocating and pursuing a lawsuit that goes against the constitutional powers of the Congress, and therefore I will be voting no on the nomination.

I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SASSE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMTRAK TRAIN DERAILMENT

Mr. MENENDEZ. Mr. President, I rise to bring attention to the tragic Amtrak derailment that took at least 7 lives and caused over 140 injuries, including an Associated Press member from New Jersey, Jim Gaines of Plainsboro, NJ. Our thoughts and prayers are with the families of those who lost their lives. To those of us from New Jersey and those who live along the Northeast corridor, they are our neighbors, our friends, our relatives. They could be us. It hits especially close to home. I know, because I take Amtrak virtually every week back to New Jersey.

There was a period of time last night when I did not know the whereabouts of my son Rob, who was scheduled to be on Amtrak back to New York. But I later found out that he was on the next train immediately behind the one that derailed, and thankfully, he was safe. I am grateful for that. But others were not so lucky.

But luck should not be America's transportation policy. It is imperative that the cause of the derailment be fully investigated so that we can prevent tragedies such as these in the future. I have already been on the phone with Secretary of Transportation Anthony Fox and continue to monitor closely the situation.

I want to recognize the extraordinary work of our first responders. Once again, firefighters, police officers, and emergency responders showed us what bravery is all about. They ran to the crash site to save lives while others were running away. For that, we should all be grateful.

Now, we do not know what caused this accident. But we do know that we

need to invest in 21st-century systems and equipment and stop relying on patchwork upgrades to old, rusted 19th century rail lines.

I travel Amtrak, as I said, virtually every week. I travel the Acela, which is supposed to be our high-speed rail. It is like shake, rattle, and roll. As a member of the Senate Foreign Relations Committee, I have traveled in other countries in the world, such as Japan. They have a bullet train in which you virtually cannot feel anything while you are on the train, going at speeds far in excess of what we call high-speed rail.

Now, there are still many questions to which we do not know the answers. Was there human failure? Was there a mechanical failure or were there infrastructure issues or was it a combination of issues? What we do know is that our rail passengers deserve safe and modern infrastructure. New Jersey, for example, is at the heart of the Northeast corridor. It has long held a competitive advantage with some of the Nation's most modern highways, an extensive transit network, and some of the most significant freight corridors in the world at the confluence of some of the largest and busiest rail lines, interstates, and ports.

In a densely populated State such as New Jersey, the ability to move people and goods safely and efficiently is critical to our economy and critical to our quality of life. But, unfortunately, in recent years, New Jersey and the Nation as a whole have fallen behind. We have 20 years maximum—maximum—before the Hudson River tunnels are taken out of service. Twenty years may sound maybe to some of our young pages like a long time, but it is a flash of the eye. Think about what happens if we take either or both of those tunnels out of service without an alternative, tunnels that are absolutely essential to moving people and goods in the region that contributes $3.5 trillion to our Nation's economy—20 percent of the entire Nation's gross domestic product.

Nationwide, 65 percent of major roads in America are in poor condition. One in four bridges in our Nation needs significant repair. There is an $808 billion backlog in highway and bridge investment needs. On the transit side, there is an $86 billion backlog of transit maintenance needs—maintenance needs, not expanding, just maintaining that which we have.

It will take almost $19 billion a year through the year 2030 to bring our transit assets into good repair. These are just a handful of the statistics underscoring our Nation's failure to invest in our transportation network. But we have to get beyond looking at the numbers on a page. We have to talk about what Congress's failure to act means to the people we represent, to every community—every community, every commuter, every family, everyone who travels every day, and every construction worker looking for a job.

Failure to act means construction workers now face a 10-percent unemployment rate, and at a time when our infrastructure is crumbling around us, they will not get the work they need. It means a business cannot compete in a globalized economy because their goods cannot get to market in time. It means a working mother is stuck in traffic and cannot get home in time for dinner with her kids. In the very worst cases—cases such as the one we saw yesterday on Amtrak—it very well means that a loved one is lost in a senseless tragedy.

In Congress, we too often treat our infrastructure as if it is an academic exercise, as if it is numbers on a page that we adjust to score political points or balance a budget or make an argument about what types of transportation are worthy of our support. But that is not the real world. In the real world, the choices we make have an impact on people's lives, on their jobs, on their income. They have an impact on our Nation's ability to compete. They have an impact on the safety of Americans and America's ability to lead globally the economy in the world.

We in Congress are failing to recognize the real-world impacts of the choices we make about our transportation infrastructure. We have a passenger rail bill that expired in 2013. We have a highway trust fund on the brink of insolvency, with no plans—no plans—to fix it sustainably. We have a crowded and outdated aviation system that we refuse to adequately fund. We have failed to upgrade with presently available technologies that can reduce the number of failures. We have appropriations bills aiming to cut already-low funding levels of Amtrak, in particular, to meet an arbitrary budget cap for the sake of political points.

I cannot understand that. I cannot understand that. We are living off the greatest generation's investment in infrastructure in this country. We have done nothing to honor that investment, to sustain it or to build upon it. Yet nothing we are doing is aimed at fixing the problem. Our inaction comes with an extraordinarily high cost. So I can tell you, as the senior Democrat on the subcommittee on mass transit, I categorically reject the idea that we cannot afford to fix our transportation system.

The truth is, we cannot afford not to fix it. The Amtrak disaster last night is a tragic reminder that we have to act. We are reminded of the tragic consequences of inaction and the impact of inaction on the lives of workers and families, on their lives and their ability to get to work and do their jobs with confidence that they will be safe.

So, as a member of the Finance Committee, and the ranking member of the transit subcommittee, I have been advocating that we act as soon as possible. We cannot keep pretending the problem is going to resolve itself if we just wait long enough. We simply cannot afford to wait. I hope that everyone in this Chamber—Democrats, Republicans, and Independents alike—will come together, will work together, and make real progress in building the future that we can be proud of.

We can start by putting politics aside to think about the safety of the American people, to think about the future, to think about America's competitiveness, and to find common ground to do whatever it takes to invest in America's railroads, ports, highways, and bridges, and to invest in our future.

So let's not wait until there is another tragic headline or to see the consequences of what flows, as people along the entire Northeast corridor are trying to figure out alternatives in the midst of a system that is now shut down for intercity travel—all the transit lines of States and regions within the Northeast corridor that depend upon using Amtrak lines to get to different destinations for their residents, to get people to one of the great hospitals along the Northeast corridor, to get people to their Nation's Capital to advocate with their government, to get people and the sales forces of companies to work, to get home.

Let's not wait until we have another tragedy to think about the consequences of our transportation system, what it means to the Nation, or until the next time when lives are lost. I think we can do much better. I have faith that hopefully this will be a crystalizing moment for us on this critical issue.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PERDUE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF SALLY QUILLIAN YATES TO BE DEPUTY ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Sally Quillian Yates, of Georgia, to be Deputy Attorney General.

The PRESIDING OFFICER. There will now be up to 1 hour of debate, equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I am delighted we have the confirmation of Sally Yates before the body. I have pushed for a vote for several weeks, and now I know we are finally going to confirm Sally Yates to be our next Deputy Attorney General of the United States. I think she will be easily confirmed. I know there has been a delay

of several weeks getting her here, but I thank Senator ISAKSON, who worked so hard to get her before this body. It should not have taken this long. Ms. Yates was voted out of the Judiciary Committee with overwhelming bipartisan support almost 3 weeks ago. We are finally voting to confirm her today to serve as the second highest law enforcement office in our country, and it is long past due. This is the least we can do to honor law enforcement, as it is National Police Week.

The Deputy Attorney General is critical to the efficient functioning of the Department of Justice. The person serving in that position works diligently behind the scenes. The position requires someone who is of utmost competence, who prioritizes the Department above all else, and who executes the mission and vision of the Attorney General.

We are actually fortunate here. We will have an Attorney General and a Deputy Attorney General whose backgrounds are very similar—both have shown their ability as law enforcement officers, both have been prosecuting attorneys, and both have similar views, as we saw during the confirmation hearings, on all the major issues.

Sally Yates is an ideal person for this position, as those who know her can attest. She was born and raised in Atlanta, GA. She grew up seeing the justice system as a force for good. There was no need to look outside her home for an Atticus Finch to look up to because her family members lived that example. Her father, Kelly Quillian, was a judge on the Georgia Court of Appeals; her grandfather, Joseph Quillian, was a justice on the Georgia Supreme Court; and at a time when women did not fill the ranks of the legal system, her grandmother, Tabitha Quillian, became one of the first women to be admitted to the Georgia bar. Ms. Yates carried on that family tradition, becoming a top-notch lawyer who has prioritized public service above all else.

For more than 25 years, Sally Yates served as a prosecutor in the Office of the U.S. Attorney for the Northern District of Georgia. For the past 5 years she has served as U.S. Attorney of that district, following her unanimous confirmation by the Senate in 2010.

Since January of this year, she has served as Acting Deputy Attorney General. I have been at briefings she has given to Members of the Senate. I have also been at briefings at the White House where she has briefed the President on issues before the country. She is an experienced and dedicated prosecutor with a well-deserved reputation for fairness, integrity, and toughness.

She is perhaps best known for her successful prosecutions of the Atlanta Olympics bomber, who pled guilty in exchange for a life sentence without parole; and for her prosecution and conviction of a former Atlanta mayor for tax evasion. However, if you were to ask her the most significant case she has taken on, she will tell you that it involved a pro bono representation when she was just out of law school.

As a junior associate at a law firm, Ms. Yates represented the first African-American family to own land in Barrow County, GA, in a property dispute. The family had obtained a deed to their property, but lacking trust in the court system, had failed to record their deed in a timely manner. As a result, when the adjoining property was sold, a dispute arose as to who owned part of the land. Ms. Yates filed suit to recover the family's property. After a 1-week trial—in which she helped convince a member of the ''Dixie Mafia'' to testify in court on behalf of the family—she was able to win the case before an all-white jury.

According to Ms. Yates, it was the most meaningful case of her career because it gave the African American family she represented a sense of trust in the judicial system that they previously lacked. This case represents who she is as an attorney: someone who uses the judicial system as a force for good.

It is also an example of why she will thrive as the Deputy Attorney General. While most people seek the spotlight by pursuing high-profile matters, Sally Yates devotes herself to the matters that are less glamorous, but just as important.

Ms. Yates also deserves praise for her dedication to sentencing reform and the clemency initiative begun by her predecessor, Jim Cole. It is encouraging to see that we will continue to have individuals in the Justice Department's leadership who understand the inequities in our criminal justice system's sentencing practices and the consequences of mass incarceration. As she made clear when she testified before the Judiciary Committee, sentencing reform is critical to ensure that we better allocate our limited law enforcement resources and to make our country safer. The clemency initiative is an important part of that process as well and I am glad that I have her commitment that it will be a priority.

Sally Yates has received strong bipartisan support for her nomination. Among the letters of support the Judiciary Committee has received are those from Georgia's Republican Governor, Nathan Deal; Georgia's Republican Attorney General, Samuel Olens; and former Democratic Senator from Georgia, Sam Nunn. She also has the support of law enforcement and civil rights leaders.

At her nomination hearing, Ms. Yates was introduced by Congressman JOHN LEWIS, Senator PERDUE and Senator ISAKSON. As Senator ISAKSON noted when Ms. Yates was first nominated this past December, ''Sally Yates is an exceptionally skilled attorney with a strong record of public service and a well-qualified nominee to be Deputy Attorney General.'' Prior to his retirement, Senator Saxby Chambliss also spoke out in support of Ms. Yates' nomination.

Almost 3 weeks ago, her nomination was voted out of Committee with strong bipartisan support, so this nomination should not be an occasion for further partisanship. The responsibilities of the Deputy Attorney General are too important to the safety and security of all Americans to be held up any longer. The dedicated public servants at the Justice Department deserve a confirmed leader in this crucial position, and I know Sally Yates will serve with distinction as our next Deputy Attorney General of the United States. I thank her for her willingness to continue to serve this great Nation, and I want to publicly congratulate her on this well-deserved appointment.

TRIBUTE TO ERIC HOLDER

Mr. President, I want to talk about a different but related issue.

Two weeks ago, after 5 long months, Loretta Lynch was finally sworn in as the 83rd Attorney General of the United States. I know she is going to be an exceptional Attorney General, and she has an exceptional deputy in Sally Yates. But I want to speak here about the remarkable service of Eric Holder, who has just left as Attorney General.

Many don't realize that he came to the Justice Department as a 25-year-old law school graduate in 1976. He has served at nearly every level of the Department over the past four decades. I believe we owe him our gratitude for his commitment to public service.

I also know on a personal basis how much Marcelle and I appreciate the friendship we have with Eric and his wonderful wife, Sharon.

When Eric Holder's nomination was first announced in 2008, I said that we needed an Attorney General who, as Robert Jackson said 68 years ago, ''serves the law and not factual purposes, and who approaches his task with humility.'' Well, that is what I said we needed, and that is what we got. It is the kind of man Eric Holder is and the kind of Attorney General he has been. He understands our moral and legal obligation to protect the fundamental rights of all Americans and to respect the human rights of all people. His leadership over the past 6 years shows us that.

I was there when he was sworn in as the 82nd Attorney General. His family was there—his wife, mother, children, and others. Upon being sworn in, he immediately changed the tone of the Department. As he finished taking the oath, you heard this roar throughout the marbled and granite halls of the Department of Justice. The building literally shook with cheers. The dedicated professionals knew the Department was once again going to be dedicated to a nonpartisan search for justice for all Americans. These are highly professional and highly dedicated men and women appointed by both Republican and Democratic administrations, who set aside politics. They just want professionalism. And they knew, with Eric Holder, they would get it.

His decision to dismiss the charges brought during the Bush administration against former Senator Ted Stevens because of prosecutorial misconduct was a courageous decision. But, more importantly, it sent a strong message that misconduct would not be tolerated under his watch, and the Department would adhere to the highest ethical standards.

This sense of fairness and justice also led Eric to restore what he fondly refers to as the conscience of the Nation, the Civil Rights Division of the Justice Department.

His work on voting rights is among the most important during his tenure, and in the last 6 years, he has had his work cut out for him. After the Supreme Court's disastrous decision in Shelby County v. Holder, where a narrow majority gutted the Voting Rights Act, the Attorney General recommitted the Justice Department to safeguarding the right to vote for every American. And that he did so at a time when these constitutional rights were under attack has been supremely important.

For Eric Holder, this cause is not new. It is as deep as his family roots, which include the work of his late sister-in-law Vivian Malone, Sharon's sister, who fought against segregation and for equal rights as a college student, seeking admittance to the University of Alabama in 1963. I know that Eric is deeply proud of her and of the countless brave men and women who fought for equal voting rights and civil rights for every American. Each generation has its trailblazers who contribute to our march toward equality. I and my family believe that history will count Eric Holder among those patriots.

Eric Holder did not simply look to correct the misguided practices of a previous administration. He sought to bring this Nation forward with an acute understanding that the fight for civil rights is not a single movement of five decades ago. The fight, as he knows, continues.

Attorney General Holder recognized that the constitutionality of the Defense of Marriage Act, which discriminated against Americans simply for whom they loved, could no longer be defended by the Justice Department. The Supreme Court's decision to strike down section 3 of DOMA vindicated his decision. Some argued that it was the Justice Department's duty and obligation to defend the constitutionality of that statute. But just as our country came to see separate as inherently unequal, I believe Attorney General Holder's decision will be further vindicated with time. Discrimination has no place in our laws. Rooting it out takes leadership—the kind of leadership Eric Holder is known for.

He also recognized the inequities in our criminal justice system and the consequences of mass incarceration. Our criminal justice system serves to imprison too many offenders for too long. This has resulted in our Federal prisons at nearly 40 percent overcapacity, consuming nearly one quarter of the Justice Department's budget. And this growth has been largely driven by our misplaced reliance on drug mandatory minimums. These mandatory minimums too often see no difference between drug couriers and drug kingpins.

Attorney General Holder's ''Smart on Crime'' Initiative, along with Congress's effort to reform our Nation's sentencing laws, has been an essential step toward addressing these problems. No Attorney General in our Nation's history has recognized the inequities of our criminal justice system more than Eric Holder. He has proven that addressing these inequities leads to a more effective system. In fact, with Eric Holder, as our Nation's chief law enforcement officer, last year—for the first time in 40 years—the overall crime rate and the overall incarceration rate declined together.

The Attorney General's commitment to fairness went well beyond sentencing reform. I look at the calm that he brought when he visited Ferguson, MO, in the midst of chaos and fear. He helped to bridge the distrust between law enforcement and the Ferguson community. He deserves praise for the Justice Department's investigation and reporting of the police department and the circumstances surrounding that shooting. These reports are scrupulously fair and they are fact-based. His work has made the city of Ferguson reassess its practices, but it has also provided a path forward for both law enforcement and the broader community alike.

Now, to go to one other point. I share Attorney General Holder's belief that we should not be afraid to prosecute terrorists in our Federal courts in accordance with the rule of law.

With Eric's leadership, we proved we could hold terrorists accountable by making them answer for their crimes in public, for the world to see. Since Attorney General Holder assumed office, the Department of Justice has secured over 180 terrorism-related convictions. This shows his dedication to upholding the rule of law, even under the most difficult of circumstances. That is arguably one of his most enduring legacies.

I know a number of people, including some on this floor, would stand up and say: Well, we should lock these terrorists up at Guantanamo. We are afraid to let them come to our country. We should not allow them here.

Instead, Eric Holder said: What are we afraid of? We have the finest criminal justice system in the world. Bring them here; let the rest of the world see what happens.

One by one, he did just that. They were each convicted, and they are all serving extremely difficult sentences. What he said is, we should not turn our backs on the values of America by locking them up in Guantanamo—a place so many of us feel should be closed. Let them come before our court system. Let's make sure they are adequately represented—both sides.

The list of his accomplishments goes on. The Attorney General's leadership ensured that the most vulnerable Americans are protected by the Justice Department, including those who have suffered from hate crimes, domestic violence, and human trafficking. He guided the Department's steadfast implementation of vital legislation which passed through Congress, including the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act and the Leahy-Crapo Violence Against Women Reauthorization Act. These historic civil rights bills greatly expanded protections for the LGBT community, for rape victims, and for Native American domestic violence victims. As one who led the fight on many of these issues, I can tell my fellow Senators that it would have been impossible to pass them without Eric Holder's powerful commitment to protecting the most vulnerable among us.

I talked about how when he returned to the Justice Department in 2009, career attorneys lined the hallways to welcome back one of their own—cheers shook those walls. It had been a very difficult time for the Department. During the previous administration, there were scandals of politicized hiring, the decimating of the Civil Rights Division, the U.S. Attorney firing scandal, and the legal opinions defending the use of torture. But 6 years later, in his final day at the Department, those same professionals, appointed by both Republican and Democratic administrations, again lined the hallways in gratitude to Eric Holder for his work restoring integrity to the Department. Eric Holder restored the public's confidence in the Department. He leaves a Department that is now living up to its name, the Department of Justice.

I am thankful for his dedicated, unwavering service to our country. We have a better Department of Justice because of Eric Holder's leadership. We are a better nation because of Eric Holder.

Ms. MIKULSKI. Mr. President, I am in support of Ms. Sally Quillian Yates, of Georgia, to be the next Deputy Attorney General of the United States.

Ms. Yates has been acting as Deputy Attorney General since January of this year and has a long and successful career in public service. Graduating from the University of Georgia School of Law in 1986, with honors of magna cum laude, she went on to spend more than 20 years ensuring our streets were safe and our rights were protected in the U.S. attorney's office in Georgia. Ms. Yates served as the chief of the fraud and public corruption section and was the lead prosecutor in the case against Eric Rudolph, the Olympic Park Bomber in Atlanta.

She was the first woman to serve as U.S. attorney in the Northern District of Georgia, confirmed by this body on

March 10, 2010. Ms. Yates also served as vice chair of the Attorney General's Advisory Committee.

Ms. Yates has not been afraid to take on complex and challenging cases and has handled herself with professionalism and integrity. She is effective in problemsolving and provides reasonable and rational solutions. I am confident she will serve the American people with distinction and dedication. I look forward to working with her in my role as vice chairwoman of the Senate Appropriations Committee and the Subcommittee on Commerce, Justice, Science and Related Agencies Subcommittee.

AMTRAK TRAIN DERAILMENT

Mr. NELSON. Mr. President, just a quick comment, if I may, about this tragedy that is now up to 7 deaths and about 150 people who were injured in this Amtrak derailment. There was a report out of the Wall Street Journal just a few minutes ago that apparently the train was going 100 miles per hour going into a curve and that the curve speed should have been 50 miles per hour. If that is the case, that would indicate the conductor would not have been aware of what was happening or was negligent in what was happening. But there is something we can do about that, and it is called positive train control. Indeed, this is an issue which is facing all of the railroads. The infrastructure is very expensive, and the question is, How much should it be delayed in the future because it is not ready to go?

Positive train control would—in places where there is potential danger or the potential of two trains colliding, there is automatic monitoring, and electronically it would change the speed of the train.

Interestingly, Amtrak in the Northeast corridor already has some of this positive train control on the tracks, but apparently it did not at this particular location, in which case, that begs the question, What do we need to do if this is ultimately, by the NTSB investigation, determined to be the cause?

One of the things this Senator would suggest is that we certainly do not want to cut Amtrak's budget. To the contrary, I would think we would want to increase Amtrak's budget. I am rounding numbers here, but Amtrak basically has about $3 billion in revenues, but they have about $4 billion in expenses. The difference is made up by the Federal Government. In the past, that difference has been about $1.4 billion. The House is considering legislation that would cut that down to $1.1 billion, when, in fact, Amtrak is asking for $2 billion.

Is the funding the only question? I do not think we will know until we get the NTSB investigation report. However, we should know this: Railroads and roads and bridges and other infrastructure are in desperate need of repair and enhancement and expansion, and that is going to take revenue.

Is this country going to allow itself to be considered a third-rate country in infrastructure? By the way, that is not even to speak about what infrastructure does when you build it, the number of jobs. If you talk to road builders, they will tell you that for every billion dollars, thousands of new jobs are created.

Confronting the safety issue is what we are focused on here with this terrible accident. Our heart goes out to the victims. But at the same time, we have to look to the future, and we have to get our heads out—our collective heads—of the sand and start producing the funding for infrastructure investment.

I think back to the time in the depths of the recession—as the Senator from Vermont will recognize—that we were going to do an economic stimulus bill. We tried to get increased infrastructure spending, and we were voted down in the stimulus bill. Here we are years later, out of the recession, the economy is returning, the jobs are increasing, but our infrastructure is still crumbling.

I speak about this as the ranking member of the commerce committee, and fortunately we have a chairman who feels the same way. Senator THUNE and I are going to be working on this as well as things I suggested a moment ago about positive train control to improve the safety of our traveling public.

Mr. President, I have one more thing I would like to say.

Mr. LEAHY. Is it on the pending business?

Mr. NELSON. It is not. Does the Senator want me to stop so he can talk about the Assistant Attorney General?

Mr. LEAHY. If we could.

Mr. NELSON. Of course.

I yield the floor.

Mr. LEAHY. I thank the senior Senator from Florida.

Mr. President, earlier I spoke praising Sally Yates. In my words on the floor, I also spoke about the senior Senator from Georgia, about all the help he has given on this. I want to make sure I also include the distinguished Presiding Officer, Senator PERDUE, who, under our rules, cannot speak from the chair, but I would note for the other Senators how his testimony was so supportive of Sally Yates, and also, in the committee on which he and I serve, he voted for Sally Yates. Thus, both he and his colleague, Senator ISAKSON, were extremely valuable in this. I do not want anybody to think I was not aware of their support. I would say to both Senators from Georgia that I am deeply appreciative.

I yield to the senior Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. I thank the distinguished ranking member of the Judiciary Committee and my dear friend Senator LEAHY for all his help and for his kind remarks. Sally Quillian Yates would not be before us if it were not for the Senator from Vermont. He has been great in the process.

I think it is fortuitous and it is a good omen that the junior Senator from Georgia is the Presiding Officer at a time when we will elect the Deputy Attorney General, Sally Quillian Yates, to her position.

Sally Quillian Yates is a human being I have known for almost 40 years. For 25 years, she has been the lead prosecutor in the Northern District of Georgia. She has been an equal opportunity prosecutor—she has prosecuted Democrats, Republicans, Independents, Olympic Park bombers, anybody who violated the public trust. Any abuse of power, Sally Yates has gone after them, and she has won. She is fair. She is smart. She is intelligent.

As a Georgia Bulldog—I realize the junior Senator is from Georgia Tech, so I am going to throw this in—as a Georgia Bulldog, she is what we call a double dog. She has her bachelor's degree and law degree from the University of Georgia and graduated magna cum laude from the University of Georgia Law School.

Sally Quillian Yates is a great Georgian who will become a great Deputy Attorney General of the United States of America. I commend her to each of our colleagues and ask the Senators to vote and send a unanimous vote for Sally Quillian Yates to be Deputy Attorney General.

The distinguished chairman of the committee is coming to the floor. Let me end my remarks by saying that Senator GRASSLEY has been of immeasurable help in ensuring that Sally Quillian Yates gets to this position. I thank the Senator for his support. Unless he has something to say, I yield back the remainder of our time.

Mr. GRASSLEY. No.

Mr. ISAKSON. I yield back my time and the remainder of the majority time.

Mr. LEAHY. Mr. President, if we have nobody here seeking recognition, we have a few minutes left, and I am perfectly willing to yield back that time also.

I do yield it back.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Sally Quillian Yates, of Georgia, to be Deputy Attorney General?

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Florida (Mr. RUBIO) and the Senator from Pennsylvania (Mr. TOOMEY).

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 12, as follows:

[Rollcall Vote No. 177 Ex.]

YEAS—84

Alexander	Fischer	Mikulski
Ayotte	Flake	Murkowski
Baldwin	Franken	Murphy
Barrasso	Gardner	Murray
Bennet	Gillibrand	Nelson
Blumenthal	Graham	Paul
Booker	Grassley	Perdue
Boxer	Hatch	Peters
Brown	Heinrich	Portman
Burr	Heitkamp	Reed
Cantwell	Heller	Reid
Capito	Hirono	Roberts
Cardin	Hoeven	Rounds
Carper	Isakson	Sasse
Cassidy	Johnson	Schatz
Coats	Kaine	Schumer
Cochran	King	Scott
Collins	Kirk	Shaheen
Coons	Klobuchar	Stabenow
Corker	Leahy	Tester
Cornyn	Lee	Thune
Cruz	Manchin	Tillis
Daines	Markey	Udall
Donnelly	McCain	Warner
Durbin	McCaskill	Warren
Enzi	McConnell	Whitehouse
Ernst	Menendez	Wicker
Feinstein	Merkley	Wyden

NAYS—12

Blunt	Inhofe	Sessions
Boozman	Lankford	Shelby
Cotton	Moran	Sullivan
Crapo	Risch	Vitter

NOT VOTING—4

Casey	Sanders
Rubio	Toomey

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ENSURING TAX EXEMPT ORGANIZATIONS THE RIGHT TO APPEAL ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, this morning, I restated my commitment to working with Senators in a serious way to move our country ahead on trade in the economy of the 21st century. I said that we need to allow debate on this important issue to begin and that our colleagues across the aisle need to stop blocking us from doing so.

That is the view from our side, it is the view from the White House, and it is the view of serious people across the political spectrum. I have repeatedly stated my commitment to serious, bipartisan ways forward on this issue. Now, serious and bipartisan does not mean agreeing to impossible guarantees or swallowing poison pills designed to kill the legislation, but it does mean pursuing reasonable options that are actually designed to get a good policy result in the end.

That is why I have agreed to keep my party's significant concession of offering to process both TPA and TAA on the table. It is why I have said we could also consider other policies that Chairman HATCH and Senator WYDEN agree to. That is why I will keep my commitment to an open amendment process once we get on the bill.

Of course, our friends across the aisle say they also want a path forward on all four of the trade bills the Finance Committee passed. This isn't just an issue for our friends on the other side, but there is a great deal of support on our side for many of the things contained in these other bills. However, as a senior Senator in the Democratic leadership reminded us yesterday, we have to take some of these votes separately or else we will kill the underlying legislation.

So the plan I am about to offer will provide our Democratic colleagues with a sensible way forward without killing the bill.

The plan I am about to offer will allow the regular order on the trade bill, while also allowing Senators the opportunity to take votes on the Customs and preferences bills in a way that will not imperil the increased American exports and American trade jobs that we need. We would then turn to the trade bill with TPA and TAA as the base bill and open the floor to amendments, as I have suggested all week. It is reasonable.

So I look forward to our friends across the aisle now joining with us to move forward on this issue in a serious way.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that at 10:30 a.m., tomorrow, May 14, the Senate proceed to the immediate consideration of Calendar No. 57, H.R. 1295, and Calendar No. 56, H.R. 644, en bloc; that the Hatch amendments at the desk, the text of which are S. 1267 and S. 1269, respectively, be considered and agreed to; that no further amendments be in order; and that at 12 noon the bills, as amended, be read a third time and the Senate then vote on passage of H.R. 1295, as amended, followed by a vote on passage of H.R. 644, as amended, with no intervening action or debate, and that there be a 60-affirmative-vote threshold needed for passage of each bill; and that if passed, the motion to reconsider be considered made and laid upon the table. I further ask that following disposition of H.R. 644, the motion to proceed to the motion to reconsider the failed cloture vote on the motion to proceed to H.R. 1314 be agreed to, the motion to reconsider the failed cloture vote on the motion to proceed to H.R. 1314 be agreed to, and that at 2 p.m. the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 1314; further, that if cloture is invoked, the 30 hours of postcloture consideration under rule XXII be deemed expired at 10 p.m. on Thursday night.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Reserving the right to object, Mr. President.

First of all, I want to take just a very brief minute and express my appreciation to all my Democratic colleagues who have been understanding and vocal in their opinions as to what we should do to move forward. I also extend my appreciation to the Republican leadership, the majority leader, for having this suggestion to go forward. We have worked together the last 24 hours, and I think we have come up with something that is fair.

The bipartisan majority of the Finance Committee reported out four trade measures, fast-track, trade adjustment assistance, trade enforcement, and a bill expanding trade for Africa. Democrats want a path forward on all four parts of this legislation. Yesterday, we made it clear that we didn't accept merely a fast-track for new trade agreements. We also must enforce the trade agreements we make.

The proposal before us today will provide us that path forward. I look forward to consideration today and tomorrow of the trade enforcement package and the Africa bill. Once we proceed to the fast-track measure, the majority leader has offered an amendment process that in his words will be open, robust, and fair. I appreciate that offer.

This is a complex issue and one that deserves full and robust debate. Once we get on the trade bill, then we have to debate and vote on a number of amendments. So with that background and the understanding that we have on both sides, I do not object.

The PRESIDING OFFICER (Mr. SCOTT). The Senator from Georgia.

Mr. ISAKSON. While I do not rise with the intention of objecting, may I propound a question to the majority leader?

Mr. REID. Why don't we get the approval first.

Mr. ISAKSON. I would prefer to propound the question first. Mr. Leader, as I understand it, the Africa bill and the trade enforcement bill will be in tandem together and not subject to amendment, and then we will go to TPA and TAA, which will be open to amendments; is that correct?

Mr. MCCONNELL. The Senator from Georgia is correct.

Mr. ISAKSON. In that case, I will not object, but I ask unanimous consent that Senator COONS and I be able to make a 1-minute statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, in the committee on the AGOA Act, we put in an amendment to ensure an in-cycle and out-of-cycle review of South African trade practices vis-á-vis poultry and other issues important to the United States. We would have offered an amendment on the floor had it been

possible without this UC, but with this UC coming forward and not objecting, we have gotten permission to talk to Ambassador Froman, who has assured us he is willing to instigate an out-of-cycle review immediately or whenever necessary to review the trade practices of South Africa vis-á-vis poultry. I commend him on doing that and wanted to memorialize that in the RECORD.

I yield to Senator COONS for the purpose of confirmation.

Mr. COONS. Mr. President, I thank my colleague Senator ISAKSON of Georgia and express my shared concern that if we are going to proceed to a long-term renewal of the African Growth and Opportunity Act, which provides duty-free, quota-free access to the U.S. markets to all of sub-Saharan Africa—which I support and have worked hard with the Senator from Georgia and many others to make possible—that we also ensure there is effective trade enforcement. This is a basic principle that underlies all the proceedings here today; that those of us who support free trade and global trade also support fair trade and effective enforcement.

As the good Senator from Georgia recently commented, we are acting in reliance upon a representation by the U.S. Trade Representative that there will be enforcement action taken, if appropriate, on access to markets in South Africa.

With that, I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Mr. President, before the Senator leaves the floor, I want to thank the Senate majority leader for working with us in a constructive fashion to make it possible for all of the vital parts of the trade package to be considered. I look forward to working closely with him.

Colleagues, I will say that what has been done through the cooperation of the majority leader and the minority leader is, in effect, to say that trade enforcement will be the first bill to be debated; and in doing so, it drives home yesterday's message of 13 protrade Democrats who together said robust enforcement of our trade laws is a prerequisite to a modern trade policy. In making this the first topic for debate, it is a long overdue recognition that vigorous trade enforcement has to be in the forefront, not in the rear, and a recognition that the 1990 NAFTA trade playbook is being set aside.

I am going to be brief at this point, but I would just like to give a little bit of history as to how we got to this point.

Mr. BROWN. Mr. President, would the Senator from Oregon yield for a moment?

Mr. WYDEN. I would be happy to.

Mr. BROWN. I want to thank Senator WYDEN for his work on the Customs bill that we will be debating, the bill to which he is referring, especially his amendment that we worked on, the prohibition of child labor, closing an 85-year loophole, if you will, allowing child labor in far too many cases, and we as a nation were allowing the importation of goods produced by child labor. I appreciate his support and Senator HATCH's support early in the process before the markup began on our ''level the playing field'' language, which is particularly important to a number of industries in this country, to make the playing field more level, as Senator WYDEN was saying and, third, the importance of currency. We know how many jobs we have lost in my State and all over the country because of what has happened with countries gaming the currency system. So I wanted to express my thanks to Senator WYDEN.

Mr. WYDEN. Before he leaves the floor, I want to thank Senator BROWN for again and again putting in front of the committee and all Senators the importance of this issue. I just want to read a sentence from the paper yesterday that really puts a human face on this enforcement issue that Senator BROWN has so often come back to. A quote in the New York Times says: ''Candy makers want to preserve a loophole.''

Now, this is the loophole that was closed in the Customs bill. The article goes on to say that ''Candy makers want to preserve a loophole . . . that allows them to import African cocoa harvested by child labor.''

What Senator BROWN has said is without, in effect, this enforcement language, this vigorous enforcement language that is in the Customs bill, we would basically be back in yesteryear's policy, back in what we had for decades and decades, where youngsters would be exploited in this way.

So we are going to talk about trade here for a few days. I think colleagues and—certainly my colleagues on the Finance Committee know that I strongly support expanded trade. I look at the globe. There are going to be 1 billion middle-class people in the developing world in 2025. They are going to have a fair amount of money to spend. We want them to spend on the goods and services produced in the United States.

So we support expanding those opportunities, increasing those exports. The reality is expanding trade exports and enforcing the trade law are two sides of the same coin. Because what happens at home—I had community meetings in all of my counties, had several in the last couple of weeks. The first question that often comes up is a citizen will say: I hear there is talk about a new trade deal. Well, how about first enforcing the laws that are on the books?

That is why the group of 13 protrade Senators yesterday wanted to weigh in, right at the outset of this debate, talking about how important trade enforcement is to a policy that I call trade done right—trade down right, a modern trade policy. I am going to be brief in opening this discussion, but I want to spend a few minutes describing how we got to this place.

A few weeks ago, the Finance Committee met and passed a bipartisan package of four bills. These were more than a year in the making. The message I sought to send right at the outset was a message that would respond to all the people in this country who want to know if you are doing more than just going back to NAFTA. Those four bills suggest that this will be very different.

The first, the trade promotion bill, the TPA as it is called, helps rid our trade policies of excessive secrecy. The reason this is so important is the first thing people say is, whether it is in South Carolina or Oregon or anywhere else: What is all of this excessive secrecy about? If you believe strongly in trade and you want more of it, why would you want to have all of this needless secrecy that just makes people so convinced that you are kind of sort of hiding things? So we have made very dramatic changes in that area.

A second strengthens and expands the support system for our workers. It is known as trade adjustment assistance. This is to make sure that when there are changes in the private economy, changes that so often take place and cause workers to see positions they have had be affected, this is a section of trade policy that gives them a chance, almost a springboard, into another set of job opportunities.

The third would finally put, as I have said, trade enforcement into high gear so we can crack down on trade cheats and protect American workers and exports. The reality is trade enforcement is a jobs bill. It is protecting jobs. That is another reason it is so important.

The fourth, which has been touched on by our distinguished colleagues, the Senators from Georgia and Delaware, involves the trade preference programs that are so crucial to both our employers and developing countries. Taken together, the bills form a package of trade policies that are going to help our country create more high-skill, high-wage jobs in my State and across the land.

As I have said so often, if you wanted to explain what a modern trade policy is in a sentence, what you would say is: This is the kind of approach that helps us grow things in America, make things in America, add value to them in America, and then ship them somewhere, particularly if you look to that developing world where there are going to be, in just a few years, 1 billion middle-class consumers. That strikes me as a real economic shot in the arm that will be of long-term benefit to our people.

Now, with respect to enforcement, I want to take just a few minutes to talk about why I think this is an appropriate opening step in the legislative process. Now, I already talked about the 13, 14 protrade Democrats who got

together yesterday and weighed in as a group. Why we did it is that trade enforcement in that particular bill, which is part of the initial debate here, is a jobs bill. It is a cornerstone of a new trade approach that is going to reject the status quo.

As the President said, to his credit, during the State of the Union Address, ''Past trade deals have not always lived up to the hype.'' My own view is a lot of that can be attributed to subpar trade enforcement. That, in my view, is because so many of the same old enforcement tools from the NAFTA era and decades prior just are not the right kind of tool to get the job done in 2015.

Our competitors overseas use shell companies, fraudulent records, and sophisticated schemes to play cat and mouse with U.S. Customs authorities. Our competitors overseas, in a number of instances, intimidate American firms into relocating factories or surrendering our intellectual property. Our competitors often spy on our companies and trade enforcers to steal secrets and block our efforts at holding them accountable.

To mask their activities, they hide their paper trails and engage in outright fraud. For a number of years, I chaired the trade subcommittee of the Finance Committee. I can tell you, these examples I have given of modern challenges is just touching the surface of what we found in our investigation. At one point, we set up a sting operation to try to catch people who were merchandise laundering.

Not only does our trade enforcement need to catch up to these schemes, we have to have a trade enforcement policy that stays ahead of the game. That is why the bipartisan enforcement package, the Customs package, will take enforcement up to a higher level. This bill raises the bar for all of our trade enforcers, whether it is the Customs agents at the border checking inbound shipments, the Commerce Department investigator looking into an unfair trade petition or the lawyer from the Office of the U.S. Trade Representative following up on possible violations of trade agreements.

So I want to just quickly tick through a few of the major parts of this trade enforcement package. A proposal that I pushed for a number of years to include will help Customs crack down on foreign companies that try to get around the rules by hiding their identity and sending their products on hard-to-trace shipping routes.

Another will close a shameful loophole—a shameful loophole that Senator BROWN and I just talked about—that allows products made with forced and child labor to be sold in our country. A third will build what I call an unfair trade alert to help identify when American jobs and exports are under stress before the damage is done. With this early warning system in effect, you will have warning bells ringing earlier and more loudly than ever before when a country attempts to undercut an American industry like China recently tried with solar panels.

I think that is especially important, because when you are home and you are listening to companies and workers and organizations talk about trade enforcement, they say: You know, it just gets to us too late. By the time somebody back there in Washington, DC, is talking about enforcing the trade laws, the lights have gone out at the plant, the workers have had their lives shattered, and the community is feeling pain from one end to another.

So the point of the early warning system is we now have the kind of technology and access to the kind of information that can set off these early warning signals. That is what the unfair trade alert provision is all about.

Fourth, for the first time in decades, the Congress would set out clear enforcement priorities with the focus on jobs and growth that will build real accountability and follow through in our trade enforcement system.

Finally, it includes a proposal from Senator BROWN that goes a long way toward ensuring that our trade enforcers use the full strength of our antidumping and countervailing duty laws to fight unfair tactics. I said months ago, repeatedly, making it very clear, when Chairman HATCH and I began working on this package, that strengthening trade law enforcement was at the very top of the list of my priorities.

I did, in starting all of those discussions and the debate, repeatedly come back to the fact that for those of us who are protrade, who think it is absolutely key for the kind of export-related jobs and growth that we need in this country, we have to shore up trade enforcement because it is not credible to say that you are pushing for a new trade agreement if people do not find it credible that you are going to enforce the laws that are already existing on the books and relate to the past trade agreements.

So strengthening trade enforcement has been at the top of my list of priorities for many, many years. The Finance Committee passed this enforcement measure with a voice vote. So that ought to indicate alone that this was not some topic of enormous controversy. We had votes on the trade promotion act, we had votes on the trade adjustment act. There was pretty vigorous debate on those—voice vote on the enforcement provision and the Customs package because it includes so much of what I think Members, actually on both sides of the trade debate, feel strongly about.

I have talked about why as a protrade Democrat I feel so strongly about enforcement. My colleague Senator BROWN speaks eloquently about another point of view, but he feels strongly about trade enforcement. So I am very pleased the Senate is on this bill, is beginning debate on this legislation. I am thoroughly committed to getting this legislation passed before we leave for the recess. No one can ever make guarantees, but I am sure going to pull out all the stops to do it.

I just want, as we close the opening of this debate, to thank both the majority leader and the minority leader for working with myself and Chairman HATCH and others to get us to this point. We had a bipartisan effort in the Finance Committee, and we are very pleased to see the distinguished Presiding Officer join us on the Finance Committee. We had a bipartisan package, as the distinguished Presiding Officer knows, in the Finance Committee, which passed overwhelmingly on a bipartisan basis.

Now, starting with this debate and with what is ahead of us, we have a chance to build on the bipartisan work that took place in the Finance Committee. It is very appropriate that we begin this discussion focusing on trade enforcement, as the 14 protrade Democrats did yesterday in making an announcement with respect to the importance of this topic. It is going to be a good debate.

The stakes are enormously high. I look forward to working with my colleagues on both sides of the aisle to get this legislation passed and to get a bill to the President of the United States to sign.

I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I have a concern. It is not about trade. Quite frankly, trade is one of the things we have done as a nation all along. We were free traders before we were a nation.

One of the grievances we had in the Declaration of Independence was the fact that King George was restricting our trade. We have always been individuals in a nation of trade.

My issue is particularly with this Preferences bill. Again, it is not about the protections in it; it is about the way we pay for it. Now, as odd as it sounds, while we are doing trade and while we are trying to engage in things, we can't lose track of this simple thing called deficit that is hanging out there as well.

We have basic rules on how we actually handle budget issues. For anything that we set out that is going to take several years to pay for, we have basic rules. Those rules include that it has to be deficit neutral in year 6 and it has to be deficit neutral in year 11.

The way that is set up and the reason that it is set up is so that you cannot game the system that way. You can't just backload the whole thing and say: We are going to be deficit neutral in the very last year, but every other year we are going to run up the bill and have some pretend pay-fors at the very end.

So the way this is set up is to have this basic gap. Halfway through, you are deficit neutral. At the other end of it, you are also deficit neutral. Well, this is what the Preferences bill does.

The Preferences bill sets up this unique something called the corporate payment shift.

So this is how it works. Six years from now, every corporation that has $1 billion or more in assets has a 5¼-percent tax increase in year 6. In year 7, every one of those companies that has $1 billion or more in assets gets a 5¼-percent tax refund.

Let me run that by you again. This is set up, in the way the bill is written, so that 6 years from now taxes go up on every company—that is 2,000 companies in America that have $1 billion or more in assets—by 5¼ percent, and in the next year they get a refund of that same amount.

Can someone help me understand why every company in America has to gear up, change the way they do all their tax policies, pay an extra tax that year, and so that the next year they can get a refund? That is additional cost. That is additional expense—only to help this body circumvent the basic rules that we said we are going to abide by.

Now, in all likelihood, those companies won't actually do that 6 and 7 years from now because, in all likelihood, this body will come through and will waive the corporate tax shift because it is now not years 6 and 7. Now, it is years 7 and 8, and so it doesn't apply.

This is ridiculous. This is a problem—that this body is playing a game in how we are trying to actually accomplish a basic rule.

Now, if anyone can stand in this body and say that is a good idea—that we are going to raise taxes 6 years from now on all these companies and refund the same amount in the 7th year—if anyone can actually tell me that is a good idea, please do. All that this is set up to do is to be able to help us in our CBO scoring.

This is what I think we should do. Option No. 1 is to have a real pay-for—not have some pretend and say this is a deficit-neutral bill, when it is not a deficit-neutral bill.

We have a $3.7 trillion budget. I think we can find a real pay-for to be able to put it into this bill. If you are lacking for any of those, my office can give you many options that are real pay-fors rather than something fake in year 6 and year 7.

This is option No. 2. At least admit that this is not a deficit-neutral bill and that these pay-fors are fake. There is something that this body has called a budget point of order, and it should apply in this sense because this is not a real pay-for.

Now, I have had these conversations with staff behind the scenes and with individuals in this body, and I have been told the same thing over and over: This is how we always do it. In other words: You are a new guy here. You don't know this is how the game is played on the budget-neutral deficit, eliminating bills that really don't do that.

Yes, that is true. I am the new guy here, and I have heard this is an old practice—and it needs to go away, because no one can defend this.

How about this. How about next week I try to go get a car loan, and I try to negotiate with the car dealer for a 5-year loan, and I tell him: I will pay all of my loan off year 4, but I want a full refund in year 5 for all that I have paid off.

Do you think I am going to get that car loan? No, I am not going to get that car loan because he is going to say: That is fake. And I will say: I have paid it off completely in year 5.

Yes, but we paid it all back in the next year.

We have to be able actually to have real accounting at the end of the day. This is not invisible money. This is debt that is being added. And with a $3.7 trillion budget, we can find real pay-fors.

This is a practice that has happened in this Congress and in previous Congresses that has to stop. We have the ability to do that.

I oppose this bill because it is not genuine in how we are actually paying for it. Saying that we pay for it in year 6 and refunding it in year 7 is not real, and we know it.

In the days ahead, I hope we can address this practice and not just eliminate it for this bill, but that we can eliminate it from ever being used again in any bill as a gimmick pay-for.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BOOKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMTRAK TRAIN DERAILMENT

Mr. BOOKER. Mr. President, I rise today with a very heavy heart because of the horrific tragedy that occurred and is still unfolding right now.

Late last evening, an Amtrak train, train No. 188—a train I myself have traveled on—carrying 243 passengers and crew derailed in Philadelphia. It has been confirmed now that seven people have died, including Associated Press employee, husband, father of two, and Plainsboro, NJ, resident Jim Gaines. More than 200 people were injured. My deepest thoughts and prayers are with those who are suffering today.

I am so grateful for the work of the hundreds of first responders, Amtrak crew, doctors, nurses, and many others who quickly, courageously, and very professionally did their jobs and who no doubt saved lives. As we speak, the search through the wreckage for more people, living or dead, is still in process. All people have not been accounted for, and I hope and pray our brave first responders can soon account for everyone who was expected to have been on board.

The 243 people—including passengers and crew—many of whom boarded Amtrak regional train No. 188 just half a mile from where I stand right now—were headed to New York. They were on their way home, on their way to work, to see their husbands and their wives, their children, and their journey was horrifically interrupted when the train derailed around 9:30 p.m. in Philadelphia.

Since the incident, my staff and I have been in contact with Amtrak, the National Transportation Safety Board, the Federal Railroad Administration, and the Department of Transportation. The exact cause of the derailment is unknown, although speed was definitely a factor. We are in close contact with Amtrak officials and Federal investigators who are working quickly to identify exactly what happened to cause this disaster.

Amtrak train No. 188 was on a very familiar path. So many people take this route. The train that derailed was traveling on the Northeast corridor, which is one of the busiest corridors, a 457-mile rail corridor that is the most traveled in North America. It is a transportation lifeline, one of our main arteries connecting the people of Washington, DC, Maryland, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts. The Northeast corridor transports 750,000 passengers every day and moves a workforce that produces $50 billion each year toward our gross domestic product.

More people are traveling with Amtrak on the Northeast corridor than ever before. Just last year, 11.6 million passengers traveled the Northeast corridor. In New Jersey alone, 110 trains run daily along this route. New Jersey Transit works in cooperation with Amtrak to move trains along the Northeast corridor, where New Jersey Transit customers take 288,000 trips on the corridor each day and 63.6 million trips a year.

Yet, none of these numbers—none of them—are as important today as that number of 243, the number of people riding on and working on Amtrak train No. 188 last evening, or the 7 people who died. We are in a time of great sadness.

As the ranking member of the Senate subcommittee that has jurisdiction over rail safety, I want to also say that my colleagues and I have been working in the Senate to develop policies and implement new safety technologies that will improve rail safety and save lives, and we have been working diligently to finalize a draft of a passenger rail authorization bill.

Congress has not passed a passenger rail bill since 2008, and authorization for that bill expired in 2013. It is unacceptable that Congress has not acted to provide the needed improvements, investment, and long-term certainty for Amtrak, and I will work hard to make sure that we pass passenger rail, that it is a priority for this body.

In fact, today we had intended to introduce this bill authorizing funding and improvements to passenger rail in the United States. Today, that was our intention. However, in light of this tragic event, Senator WICKER and I have decided to monitor the incoming information and take this opportunity to evaluate what other actions might need to be taken as a part of the legislation.

I am proud of my colleagues who have worked so diligently to ensure we get this bill done, and I thank the leadership, Chairman THUNE and Ranking Member NELSON, for their support. If there is an action that needs to be taken to improve safety in the wake of this tragedy as we are finalizing this bill, I know we can work together to make it a reality.

That said, I must say I am disappointed in the direction of the House appropriations process, which risks starving Amtrak of vitally important funds at the very moment we need to be investing more in passenger rail and our country's crumbling infrastructure.

Failing to make the proper investments in our Nation's infrastructure is indeed crippling our competitiveness in a global economy. A 2012 Federal Reserve Bank of San Francisco report estimated that every dollar invested in our national infrastructure increases economic output by at least $2. Failing to invest properly in infrastructure improvement is threatening the public's safety.

My thoughts and prayers are with the family, friends, and loved ones of the individuals who were killed or injured in last night's train derailment. We still aren't certain of the exact cause, but this incident is a searing reminder of the fragility of life. It is important that we also remember that we should do everything necessary to safeguard life, to make sure we have it and have it more abundantly.

Nothing can fix the damage that has been done to these families and their communities. We all grieve as a nation for the loss of life and pray for those injured, that they recover.

I say now that we must work tirelessly to prevent another tragedy like this from occurring and that we must do everything necessary so we as a nation can have a rail infrastructure and highways, roads, bridges—have an infrastructure as a whole that reflects the greatness of the people of our country.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I rise today to talk about an issue that, by some estimates, has cost the United States as many as 5 million jobs, which is a lot of jobs, and that is the issue of currency manipulation.

We are going to have an opportunity, now that there is an agreement, to move forward on all of the issues related to trade, whether it is fast-track or helping workers or enforcement issues or the other pieces that will be in front of us. We will have an important opportunity to seriously move forward in a positive way for our manufacturers and for agriculture and for all those who are impacted by currency manipulation.

In fact, currency manipulation is the most significant 21st-century trade barrier that American businesses and workers face today and is the least enforced against. We take the least amount of action against currency manipulation, and yet it is the most significant 21st-century trade barrier. If we don't take meaningful action to address this issue, we stand to lose even more jobs at a time when our economy is desperately trying to recover.

Our workers are the best in the world, and we can compete with anybody—our businesses can compete with anybody as long as there is a level playing field and the rules are enforced. But we can't win when our trading partners cheat, and that is what is happening right now. When they manipulate their currency—when Japan does it, when China does it, when other countries do it—they are cheating.

A strong U.S. dollar against a weak foreign currency, particularly one that is artificially weak due to government manipulation, means foreign products are cheaper here and U.S. products are more expensive there. For example, one U.S. automaker estimates that the weak yen gives Japanese competitors anywhere from a $6,000 to $11,000 advantage on the price of a car, depending on the make and model. It is hard for our American carmakers to compete when they are effectively seeing a $6,000 to $11,000 higher sticker price—more expensive than Japanese vehicles not because of any other difference at all, just currency manipulation. That is a large difference that is based on currency manipulation. In fact, we have seen some numbers that—at some points in time, the entire profit on a vehicle will be from currency manipulation.

We keep hearing about opening Japan's markets to U.S. automakers. While that is fine and that sounds nice, it is really a red herring when we look at what is going on because Japan right now has zero percent tariffs on U.S. cars. So it is not the tariffs that are keeping out our cars; it is the complicated web of nontariff barriers that Japan uses to keep out American automobiles.

Beyond that, what is significant and what we have learned is there is little appetite for American cars in Japan. Last year, Ford's share of imports in Japan was 1.5 percent. Chevy was less than one-third of 1 percent. There were 13 times as many Rolls Royces imported into Japan last year than Buicks, but that is not because there were all kinds of Rolls Royces going into Japan. It is because there were only 11 Buicks, not 1,100, not 11,000—11.

One of the things that is interesting is that in Japan they buy Japanese vehicles. I wish in America we bought American-made vehicles. We would not be seeing as much of this challenge. It is a different culture there in terms of the pride of buying Japanese vehicles and, in fact, doing what they can to keep others out through nontariff trade barriers. Taking down the trade barriers is a good thing. I support it, but it is not enough. That is not what this is about when we are talking about the transpacific trade agreement and the worries of American automakers and other manufacturers as we do that. That is not the big challenge. It is not about just trade barriers, making life easier for the handful of Japanese consumers who are looking to buy an automobile from outside their country. Our manufacturers tell us that is not the main concern. It is not about competing in the United States or Japan; it is about competing everywhere else in the world. That is the problem.

Japan has a population of 120 million people, but Brazil has a population of 200 million people. India has a population of 1.2 billion people. In emerging markets, American-made vehicles are at a severe competitive disadvantage compared to vehicles produced in Japan or Korea, when those countries choose to manipulate their currency, which has happened many, many times.

We are competing, Japan is competing, and the United States is competing for those 1.2 billion customers. If they can artificially bring down their price $6,000, $7,000, $10,000 or more to sell into those areas, even though it is illegal in terms of the international community—they have signed up saying they will not do it. But if they are allowed to do it and if our trade agreements allow them to do it, it is not fair.

Why would we do that to American companies? Why would we do that to American workers? Why would we allow that kind of cheating to occur? That is what the amendment that Senator PORTMAN and I have is all about, that we will be offering and asking support for.

This is not an issue that only impacts the auto industry or other manufacturers. As everyone knows, I care deeply about agriculture, as the current ranking member and former chair of the agriculture committee. Agriculture is impacted by currency manipulation as well. As a competitive sector in the global economy, any practice that distorts the economy, disrupts trade, and threatens employment has an impact on U.S. farmers and ranchers as well.

Unfortunately, the language currently included in the TPA bill does not adequately address these issues, because if we are going to be effective around currency provisions, we have to make sure they are enforceable. There is some language there, but unlike other parts of the TPA, there is not language requiring that any provisions in a trade agreement be enforceable. That is why Senator PORTMAN and I have introduced an amendment to this bill—to the TPA bill—that simply adds clear language to require that any future trade deals must include enforceable currency provisions. Very importantly, the provisions will be consistent with existing International Monetary Fund commitments that all of these countries have made. They signed up saying they are not going to do currency manipulation, but we do not have enforcement to make sure it does not happen. Also, importantly, this does not affect domestic monetary policy.

I understand the arguments. I have great respect for our Secretary of the Treasury, whom I work with all the time, and 99 percent of the time we are singing the same song—not on this one and the same thing with the President, someone whom I admire deeply. I have to say this administration has done more than any other White House, I think, that I have worked with as a Senator or even in the House, to make sure we are enforcing our trade laws, taking trade actions, winning trade cases in the WTO. I am very grateful for that. But when it comes to currency, there has been a debate saying that somehow our Fed policy, quantitative easing—what we do inside our country is somehow impacted by the definitions of the IMF, which is not accurate. A country can say it is. Anybody can say anything, but it would not hold up because it is not accurate. We are talking about foreign transactions, the monetary policies of foreign competitors in the global economy.

I am very pleased that we have bipartisan support for our amendment. We are adding supporters all the time. Senator ROUNDS, Senator BURR, Senator CASEY, Senator SHAHEEN, and we have other Senators that will be joining us as well. We have growing support and understanding of how critical this is.

The inclusion of strong and enforceable currency provisions in our trade agreements make clear to our trading partners that this uncompetitive trade practice will no longer be accepted. We are not just going to talk about it. We talk a lot about it. We talk a lot about this issue and the loss of American jobs because of currency manipulation. But by putting it in the core instructions for our negotiators as they walk into a trade negotiation, to have listed alongside critical provisions regarding labor laws and environment and intellectual property rights and human rights and other areas, to say currency manipulation, your policies around currency we believe are critically important in a global economy if we are going to compete on a level playing field and not continue to lose American jobs.

Some would call this amendment a poison pill to the TPA. That could not be further from the truth. It is absolutely possible. In fact, we have Members supporting our amendment who also support TPA, the underlying bill. They want to make sure it is a clear outline of the priorities and instructions for any negotiations.

I have not heard from a single one of my colleagues that he or she will oppose the bill because our amendment is not adopted. This is not a poison pill. What I do hear repeatedly, though, is that one of the principal justifications for granting the administration trade promotion authority, fast-track—a process where we can amend it, a simple majority vote—is that Congress sets forth its priorities in trade promotion authority.

We are laying out what is important for the people of our country, for our businesses, for our workers in trade negotiations. If that is the case, then how can something deemed appropriate, deemed a priority by all of us be a poison pill?

It is not our job to match our priorities with their negotiations. The negotiations are supposed to match our priorities. They are laid out in TPA. Otherwise, why do we give fast-track authority?

It is our responsibility on behalf of American businesses, American workers, and American communities to tell the administration what we expect them to fight for on behalf of the people of our country. We already insist on enforceable standards in other negotiating objectives. I support these, and I believe they should be as strong as possible, including issues around labor law, environment, and intellectual property rights. Why should currency manipulation be any different?

This is about Congress setting up the list of priorities for negotiating objectives, and then in return for that, we then allow a fast-track process where any final bill cannot be amended. If we are going to give up that authority, that power, I think we have a right to lay out the conditions under which we would do that.

If we lost 5 million jobs around the globe—5 million jobs because of currency manipulation coming predominantly from Asian countries that we are now negotiating with—we have a right to say we want that to stop. We expect there to be a strong, enforceable currency manipulation provision in any law we pass that then gives up our right to amend a trade agreement.

There is no way that I believe the entire transpacific agreement hinges on whether we include enforceable currency provisions. If that is true, it calls into question what else is in the agreement. Why are there TPP countries that are so concerned about enforceable standards—which, by the way, they have all signed up through the IMF as part of the global community—they have all signed that they will not do it. If the argument now is that they are not doing it, then why are people fighting so hard to keep this requirement out of TPA if they are so confident this will never occur again?

Our ability to address currency issues in trade agreements is not complicated, again, by our own domestic monetary policies, including quantitative easing. In fact, we specifically put in the amendment that it does not affect domestic monetary policies.

We have heard this over and over again. There has been confusion that has been spread. The IMF has rules about what is and what is not direct currency manipulation. They are clear rules. They are rules that all of the IMF countries have agreed to. They are rules that the United States has followed while they are doing quantitative easing. They are rules that Japan has flagrantly violated not once or twice but 376 times since 1991.

We are hearing that we do not need enforceable language as a negotiating objective in the fast-track bill because Japan is not manipulating the currency anymore. Well, 376 times they have chosen to do that. Once we pass this, there is nothing stopping them from making it 377. What stops them is if they know that Congress is giving direction to the negotiators to make sure there is enforceable provisions in the trade agreement.

Let's be clear. The United States is clearly following the rules with our domestic monetary policy. We are following the rules. Therefore, we would not be affected by this, and our amendment specifically references that. We are not talking about domestic policy. Other countries could say that. They would be wrong. They would have no legal standing to say it. You can say anything. But we do know this: Japan has flagrantly violated the rules of the IMF—that they signed on the dotted line to support—376 times since 1991. Adding enforceable currency provisions to a trade deal simply adds enforcement to the commitments that Japan and 187 other countries have already made as a part of the International Monetary Fund.

On that point, I appreciate the efforts this administration has made to engage on this issue with our trading partners both bilaterally and through multilateral forms such as the G–20 and the IMF. But, quite frankly, we have not seen enough meaningful progress despite, I am sure, our good efforts. The progress we have seen can be wiped out at a moment's notice and without any meaningful recourse if we do not require enforceable provisions in the fast-track law.

Then there is China. While they are not currently a party to the TPP, it is no secret they are interested in joining

it down the road. While China's exchange rate may be up nearly 30 percent since 2010, the Treasury's own report to Congress released just last month concludes that China's currency remains significantly undervalued, which, by the way, is the reason we also need to make sure the Customs bill, which will be coming before us, maintains what we did in the Finance Committee. It should maintain the important legislation which Senator SCHUMER and Senator GRAHAM have been leading for years. I am proud to be a part of that, along with Senator BROWN and many others. We came together on a bipartisan basis to make sure that China, which is not involved in the negotiations right now, is also held accountable for currency manipulation.

These two issues are not mutually exclusive; they are part of the whole effort. If they are part of a negotiating agreement and it is TPP or any other one, we want to make sure our negotiators put this in the deal. If they are outside of it, we want to also make sure they cannot cheat. That is why both of these are very important policies, and I strongly support both of them in order to move forward in a comprehensive way on currency manipulation enforcement.

For too long, we have relied on handshake agreements and good-faith assurances from our trading partners around the world that they would adhere to the same standards we set for ourselves. For too long, we have seen our trading partners ignore their commitments by breaking the rules and leaving American workers and businesses at a competitive disadvantage. It is time for us to say enough is enough. We don't have to keep doing this to ourselves.

I am very pleased that we have taken a step forward in a couple of directions. I mentioned the Schumer bipartisan proposal which so many of us have worked on. That is a very important piece of this puzzle. The other piece of this puzzle is the Portman-Stabenow amendment. As I said, these are not mutually exclusive; they are complementary. I hope my colleagues will support both of them to demonstrate a serious commitment. It is not enough to support a policy in one bill and not support a similar policy in the other part of the picture here, the other bill. If you support enforcing against currency manipulation—you either do or you don't. You do or you don't. We want to make sure we are doing it against those not part of the TPP negotiations and those who are. We want to make sure that they get signed into law and that they, in fact, are the law of the land. It is long past due that we take meaningful action on this issue.

I don't know how many times I have come to the floor since coming here in 2001 to speak about this and to be a part of this effort. It has always been bipartisan, and I am glad to see that. We need a strong, bipartisan vote on the Portman-Stabenow amendment. We have understood—those of us who represent manufacturing and agricultural States—that this is a critical piece that will help to level the playing field so our businesses, our farmers, our ranchers, and our workers have every opportunity to compete and win. I know they will. I don't have a doubt in my mind.

Our job is to make sure that there is fairness, that we have the best trade deals, that they are enforceable, and that we have the tools to enforce them, which is also in front of us with the Customs bill. We have to have all of it. We are in a global economy. Everybody is competing. Our job is to make sure we are exporting our products and not our jobs.

If we do not focus in a very serious, real way on addressing currency manipulation, we will, in fact, leave a giant loophole which those companies will drive right through and will allow them to continue cheating and taking our jobs. We can fix that, and I am hopeful my colleagues will join us on a bipartisan basis for a very strong vote so we can send a message to the administration that we are serious—including this as one of the instructions to them—as to what we expect to be in trade agreements going forward.

I thank the Presiding Officer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

NATIONAL POLICE WEEK

Mr. GRASSLEY. Mr. President, this week, I introduced a bipartisan resolution to commemorate National Police Week, which this year began on Monday, May 10, and ends on Saturday, May 16. Senator LEAHY, the ranking member of the Committee on the Judiciary, and 32 others have joined me as original cosponsors of this measure. The theme of this year's Police Week is ''Honoring Courage, Saluting Sacrifice.''

Police Week is dedicated to the brave men and women in blue who selflessly protect and serve our communities every day, every week, in every community all across the country. The week affords an opportunity to honor those who have made the ultimate sacrifice while striving to make our neighborhoods safer and more secure.

Events are scheduled in Washington, DC, this week not only to remember those officers who tragically lost their lives in the line of duty but also to honor outstanding acts of bravery and service by many others.

Tens of thousands of police officers, as well as their friends and family members, will gather in our Nation's Capital for these events, which include a candlelight vigil and a Police Unity Tour arrival ceremony, among other events.

On this day, the 34th Annual National Peace Officers Memorial Service takes place here on the Capitol grounds. This solemn service offers an opportunity for all of us to pay our respects to fallen officers and their families, communities, and law enforcement agencies that have been permanently altered because these officers paid the ultimate sacrifice. We owe these brave men and women our utmost respect and gratitude as we honor them on this important day.

A report by the National Law Enforcement Officers Memorial Fund showed a 9-percent increase in the number of officers killed in the line of duty in 2014 compared to the previous year's fatalities. Gunfire was the leading cause of death among law enforcement officers last year, and ambushes were the leading circumstance of officer fatalities in these deaths, according to this report. The number of firearms-related deaths in 2014 represents a 24-percent increase over the previous year.

This is the fifth consecutive year that ambushes have been the No. 1 cause of felonious deaths of law enforcement officers, according to the National Sheriffs' Association. In my home State of Iowa, there have been nearly 200 line-of-duty deaths over many years. The fallen include numerous law enforcement personnel who were shot and killed or struck by vehicles while on duty.

At the National Law Enforcement Officers Memorial, the names of these Iowans and approximately 20,000 other men and women who have been killed in the line of duty throughout U.S. history are carved in the memorial's wall. Regrettably, 273 new names will be added to the rolls this week to depict the loss of a loved one who did not return home safely at the end of his or her duty.

Already, in 2015, we have witnessed 44 tragic deaths and senseless murders of our law enforcement protectors and our guardians of the peace. Just this past weekend, we all heard on television that Hattiesburg, MS, Police Department Officers Benjamin Deen and Liquori Tate were quickly and violently murdered during a traffic stop that was anything but routine. Our hearts go out to their families and the families of all who have lost their loved ones in the line of duty.

The men and women of law enforcement go to work shift after shift, frequently missing celebrations of birthdays, anniversaries, and holidays because they believe in serving something greater than themselves. The work of law enforcement is not a job; it is a calling to these people. That calling and those officers' devotion to duty merits our utmost respect and gratitude.

As I conclude, I call on all Americans this week to pause and contemplate

the safety and security we all enjoy. We all must recognize that such peace is the result of sacrifices made by brave men and women of law enforcement.

I also wish to take this opportunity to thank my colleagues for their overwhelming support of this year's resolution designating National Police Week, which this week passed the full Senate by unanimous consent.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, we have all now heard the good news with regard to our ongoing efforts to advance U.S. trade policy. We are talking about trillions of dollars over the years. After a lot of discussion and back and forth, we have come to an agreement on a path forward. I am very happy to say that finally, at long last, common sense has prevailed.

On April 22, the Senate Finance Committee reported four separate trade bills—a bill to renew trade promotion authority, or TPA; another to reauthorize trade adjustment assistance, or TAA; a trade preferences bill; and a Customs and Enforcement bill.

Throughout the recent discussion on trade policy, the TPA bill has gotten most of the attention. That makes sense. After all, it is President Obama's top legislative priority. If we could get it passed, its impact would be felt immediately. And he is right on that, President Obama is right on this issue, and I am happy to help him get this through, if we can.

The TAA bill—the trade adjustment assistance bill—although I am not ecstatic to admit it, is part of the effort. We have known from the outset that in order to ensure passage of TPA, that TAA must move along with it. That is a concession we were always willing to make, although most of us on the Republican side are not all that crazy about TAA and many will vote against it, including me. TAA is trade adjustment assistance, and that is what the union movement has insisted on. Democrats are unanimously in favor of it. Republicans are not ecstatic about it at all. In fact, we think it is a waste in many ways, but it is the price of doing business on TPA.

The path to the other two bills, the preferences bill and the Customs bill, has always been a bit more uncertain, but once again, we knew that from the beginning.

I am pleased to say that we have reached an agreement that will allow us to consider and hopefully pass all four of the Finance Committee trade bills in relatively short order. Under the agreement, the Senate will vote tomorrow on our Customs bill as well as our trade preferences bill. This will pave the way for another cloture vote on the motion to proceed to a vehicle to move TPA and TAA.

Although I am wary of counting my proverbial chickens before they are hatched—no pun intended—I expect we will get a strong bipartisan vote in favor of finally beginning the debate on these important bills, and we should.

This is, in my opinion, the best of all possible outcomes. This is what Republicans have been working toward all along—and, I might add, some courageous Democrats as well. While we could not and still cannot guarantee that all four bills will become law, we certainly want to see the Customs and preferences bills pass the Senate. I am a coauthor of both of those bills. They are high priorities for me. It was never my intention to let them wither on the legislative calendar. I was always going to do everything in my power to help move them forward. That is why at the Finance Committee markup I committed to work with my colleagues to try to get all four of these bills across the finish line. That is the agreement which was made, and as of right now, it appears we will be able to make good on that commitment on a much shorter timeline than I think any of us expected.

Yesterday was a difficult day. I think it was pretty obvious to any observer that I was more than a little frustrated. Today, I am very glad to see that my colleagues have recognized our desire to move all of these important bills and that they have agreed with us on a workable path forward. But now is not the time to celebrate. While this agreement solves a temporary procedural issue, now is when the real work begins.

As I mentioned yesterday, it has been years—decades even—since we have had a real debate over U.S. trade policy here on the Senate floor, and I am quite certain we have a spirited debate ahead of us. I am looking forward to a fair and open discussion of all of these important issues. It is high time we let this debate move forward. Indeed, it is what the American people deserve.

I am glad we now have a pathway forward. This is something into which the President has put an awful lot of effort. He has an excellent Trade Representative in Michael Froman, one of the best Trade Representatives we could possibly have, a very bright man. He has worked very hard on these trade deals. They won't come to fruition until we pass trade promotion authority. Keep in mind that is the procedural mechanism which will enable the administration to get final approvals by these 11 countries in Asia and the 28 countries in Europe, plus ours.

This is very important, and I for one am very pleased that we have been able to get this through the Senate Finance Committee. That couldn't have happened without the help of Democrats on the other side and in particular Senator WYDEN. We did part ways in this fiasco that occurred, but hopefully we are back together now.

All I can say is that this is one of the most important bills in this President's tenure, and it is a bill that could benefit every State in this Union and especially my State of Utah, where we did $7 billion in foreign trade last year alone. For a State our size—3 million people—that is pretty good, but I expect us to do a lot better under trade promotion authority.

Hopefully, the final agreements that are made in TPP and TTIP will be agreements that everybody can agree will help our country move forward. It will help us to have greater relations with other countries throughout the world. It will help us to encourage our own industries to be improve and be the best in the world and will be one of those approaches that literally will shape the world at large.

TPA is an important bill. I hope we can pass it. I believe we will. As I have said, I am not a fan of the TAA bill and never will be, but we understand why that has to pass as well—because the bipartisan coalition that supports it would probably not permit trade promotion authority without it.

All I can say is that I have faith that we have arrived and resolved this impasse, and I hope that in the coming days we will be able to pass trade promotion authority and really put this country back on the trade path which it really deserves to be on and on which the rest of the world will be pleased to have us, where we can have greater cooperation and greater friendships and greater feelings throughout the world than we have right now.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEE). Without objection, it is so ordered.

Mr. BROWN. Mr. President, as this body moves to consider trade legislation, it is our obligation to make sure that our existing and future trade laws are enforced and that we are looking out for those hurt by our trade agreements.

Nearly everyone who supports these agreements—conservatives, Republicans, Democrats—nearly everyone who supports these agreements, even the most vocal cheerleaders for free trade, such as the Wall Street Journal editorial board, all admit that trade agreements create winners and losers.

So if this body is going to vote for a new trade agreement, if the President is going to insist that we pass a new trade agreement, it is up to all of us that when there are winners and losers, we take care of the losers. If people lose their jobs because of a trade agreement passed by Congress, because of a

trade agreement pushed and negotiated by the White House and ultimately ratified by Congress, approved by Congress, it is up to us to take care of those people who lost their jobs because of what we do; that is, to make sure they get the training and support they need, whether they are 30 years old, 40 years old or 55 years old, to find new careers. We owe it to American companies, and we owe it to American workers to make sure the laws we make are enforced and that they create a more level playing field.

We cannot have trade promotion without trade enforcement. That is why the provisions contained in the Customs bill are so important.

Let me go through three provisions—probably the most salient, probably the most important provisions in the Customs bill.

Now, go back a few weeks, and in the Finance Committee we worked on four bills. We worked on the African Growth and Opportunity Act, and it passed overwhelmingly—no opposition.

We worked on the Customs bill that had a number of trade enforcement provisions. Those are the three I will talk about in a moment—the three major provisions.

We also passed training adjustment assistance, where workers who lose jobs because of trade agreements get help from the Federal Government, because we made these decisions here that ultimately cost them their jobs.

And fourth is trade promotion authority, so-called fast-track.

What this Senate did yesterday, when Senator MCCONNELL tried to bring up just trade adjustment assistance and fast-track to the floor, is that the Senate said no—a denial of cloture—because so many of us wanted to make sure that we didn't leave the trade enforcement behind. You simply shouldn't send a trade agreement to the President's desk—or trade negotiating authority to the President's desk—without helping those workers who lose their jobs, without provisions to enforce trade laws.

Let me talk about the three. First, there is currency. For trade to work, all parties have to play by the same rules. We must protect American workers and American companies from foreign governments that artificially manipulate their currencies. This puts U.S. exports at a serious disadvantage and results in artificially cheap imports here at home.

So in other words, when a Chinese company, benefiting from manipulation of currency, sells a product into the United States, they can sell it 15, 20 or 25 percent less expensively—more cheaply—because of their currency advantage. Because they have cheated on currency, they can sell it more cheaply than it would cost otherwise, which undercuts our businesses' ability to compete.

Conversely, when American producers try to sell something in China, it has a 15-percent, 20-percent or 25-percent add on the price, almost like a tariff. It is not really a tariff. It is really a currency advantage that the Chinese have created that makes our goods not particularly sellable when trying to compete with Chinese goods.

China's currency manipulation has been a problem for years, resulting in artificially expensive American imports to China and artificially cheap Chinese exports to the United States. It is not only China. The Peterson Institute for International Economics estimates at least 10 other countries engage in these practices—many of them mimicking what China does.

This puts our American manufacturers at a serious disadvantage. Currency manipulations already cost our Nation up to 5 million jobs. It continues to be a drag on Ohio's economy and on our Nation's economy. Diplomatic efforts to address this cheating simply haven't worked, and we will continue to lose jobs if we don't take action.

This is a problem under Presidents of both parties. We have been asking for currency legislation for over a decade—with President Bush, who opposed it; with President Obama, who opposes it. That doesn't mean we shouldn't do that.

The Economic Policy Institute estimates that addressing currency manipulation could support the creation of up to 5.8 million jobs and reduce our trade deficit by at least $200 billion. This provision contained in the bill before us today would clarify that current countervailing duty law can address currency undervaluation. It would make it clear that the Department of Commerce cannot refuse to investigate a subsidy allegation based on the single fact that a subsidy is available in other circumstances, in addition to export. American businesses have been put at a disadvantage for too long, and it has hurt American workers. Now is the time to crack down on currency manipulation.

Issue No. 2 is leveling the playing field. This year I introduced the Leveling the Playing Field Act, which was included in the Customs bill we are debating. It would strengthen enforcement of our trade laws. It would give U.S. companies the tools they need to fight back against unfair and illegal trade practices. It would restore strength to antidumping and countervailing duty statutes. It would allow industry to petition the Commerce Department and the International Trade Commission when foreign companies are breaking the rules.

It has been a particular problem in the steel industry. The domestic rebar industry, making steel reinforcement bars—the rebar used in highways, bridges, and roadways—is operating at only 60 percent, an historic low, due to foreign dumping. I met today with a rebar steel manufacturer from Cincinnati to talk about this. He has been involved in trade disputes with Turkey and other countries.

Finished steel imports grew 36 percent last year. In the first quarter of this year, finished steel imports are up another 35 percent. Imports of these finished steel products have captured 34 percent of the U.S. market as of March 2015.

An Economic Policy Institute report shows that the American steel industry risks long-term damage, including putting more than half a million steel-related jobs at risk, nearly 34,000 in my State, unless the U.S. Government fully enforces its trade remedy rules. We know that when foreign steel is dumped illegally in our country, American workers pay the price.

Leveling the Playing Field—title V of the Customs bill, that section that was amended that was put in the bill prior to markup—is critical to all American companies facing a flood of imports. It would restore strength to U.S. trade remedy laws to ensure that our American workers and our companies are treated fairly.

The last issue is child labor. This bill includes a provision to end an embarrassing, shameful, disgusting loophole in our trade laws. It would close an outdated, 85-year-old loophole that allows some goods made with either forced or child labor—unbelievably, for 85 years we have allowed this—to be imported into the United States. It would strike language in section 307 of the Smoot-Hawley Tariff Act that provides an exception to our prohibition on the importation of goods that are made with forced labor.

This loophole, called the consumptive demand loophole—that sounds not nearly as bad as the child labor loophole—allows goods made with forced labor, including child labor, to be imported into the country if there isn't enough domestic supply to meet domestic demand.

This exception was included in Smoot-Hawley in 1930, before the United States passed a law banning child labor. That is how outdated this provision is. So when this provision was adopted, child labor was still legal. We banned child labor, but we have let this loophole stand to allow the importing of goods produced by child labor for 85 years. The Fair Labor Standards Act, which outlawed child labor in the United States, was signed into law in 1938, and yet this loophole still stands.

The United States has ratified the International Labor Organization Convention 182 against the worst forms of child labor. We have ratified the International Labor Organization Convention 138 on the minimum age of work. We have passed laws against child labor in Congress and in State legislatures. We are a strong partner in international efforts to eradicate child labor. Yet, the consumptive demand loophole—child labor, forced labor—allows those products produced in that fashion to come into the United States. We have allowed the consumptive demand loophole to stay on the books.

Since the 1990s, there have been valiant efforts by some of my colleagues

to fix this. I want to acknowledge Senator Harkin for his efforts. He has since retired, at the beginning of this year. Senator SANDERS, the junior Senator from Vermont, has been involved in this issue for a long time.

Child labor is never OK. We are talking about children being forced to work in deplorable conditions, often under extreme duress. There is never—never a justification for that. And there is no compromise on this issue. No product made with forced labor should be allowed to come into the country, period. End of discussion. It is immoral. It is imperative to fix this, and we can fix this. The Senate should not remain silent on this issue. Now is the time to shut the door on this ugly chapter of U.S. law. We do it by passing the Customs bill today.

All these provisions were added to the bill with strong bipartisan support in the Committee on Finance. It is imperative they make it to the President's desk. If we are going to continue to pursue an aggressive trade promotion agenda, we must combine it with equally strong trade enforcement language. Without enforcement, we are willfully stacking the deck for our foreign competitors and against American businesses and American workers. We see what happens when steel mills close. We see what happens when manufacturers close their doors because they can't compete with artificially cheap imports.

Trade agreements and trade law without enforcement amount to no free trade at all. They amount to lawlessness. Without proper trade enforcement, American producers who play by the rules will continue to be undersold by foreign producers who are cheating the market. We can't leave our companies and our workers with no recourse against unfair, illegal business practices. That is why the Customs bill is so important. That is why the currency provisions, the level-the-playing-field title V provision, and the ban on child labor are so very important.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I appreciate the opportunity to come to the floor to talk a little about the customs legislation that is now before us. As my colleague from Ohio just talked about, there are some very important provisions in this legislation that help to ensure that, yes, while we are expanding exports, we are also ensuring we have a more level playing field for our workers and our farmers.

My State of Ohio is a State where we like exports. We have about 25 percent of our factory jobs there because of exports. But we want to be sure we are getting a fair shake. Working with Senator BROWN and others, we put together some great provisions that are going to be part of this customs legislation. I am hopeful we can get this passed. It is part of the Customs bill as it passed in the Committee on Finance, but I am also hopeful it will be in whatever provision goes over to the House and also is signed by the President into law.

Growing exports, of course, is a top priority—I hope it is a top priority for everybody here in the Chamber—and therefore trade-opening agreements are a good idea because we want to knock down barriers for our farmers and our workers, who are doing everything we have asked them to do to be more competitive and yet still face unfair trade overseas. So we want to knock down those barriers. Some are tariff barriers and some are nontariff barriers.

Where we have a trade agreement, we tend to export a lot more. Only about 10 percent of the world has a trade agreement with the United States. We don't have trade agreements with Europe or Japan or with China. But in that 10 percent of the global economy, we send 47 percent of our exports. So, yes, trade agreements are important to open up markets for us.

Ninety-five percent of consumers live outside our borders, so we want to sell to them. By the way, when we don't continue to sell to them and expand that, what happens is other countries come in and take our markets, and therefore our economy becomes weaker and we lose jobs here in this country. That is what is happening right now. For the last 7 years, we haven't been able to negotiate agreements because we have not had this promotion authority to be able to knock down barriers to trade. So that is important.

But, colleagues, while we do that, we also have to be darn sure this level playing field occurs because otherwise we are not giving our workers and our farmers a fair shake. That is where we ought to be with a balanced approach—opening up more markets to our exports but also ensuring that trade is fair. There are a lot of ways to do that, and in this legislation before us we really help to keep our competitors' feet to the fire to make sure they are playing by the rules. One is with regard to trade enforcement cases. There is language in here that makes it easier for American companies to seek the relief they deserve when another country is selling products into the United States unfairly because they subsidize the product illegally or because they sell it at below their cost, which is called dumping.

There are a lot of companies in Ohio that have had the opportunity to go to the International Trade Administration to seek remedy and some help, but often they find that it is so difficult to show they are injured, by the time they get help, it is too late. So what this legislation does is it says that when we have these trade cases, we want to have the ability to actually make our case and in a timely manner get some kind of relief. Otherwise, why do we have these laws? If you can't get timely relief, sometimes you find yourself so far underwater you can't get back on your feet. That is why I am really excited about passing this Customs bill, because if we do that, we will put in place a better way for companies to go to their government and to seek the relief their workers deserve and to get it in a timely manner so it can really help them.

I was recently in northwest Ohio meeting with steelworkers to discuss one of these cases that has to do with Chinese tires coming into the United States. These particular workers were at Cooper Tire in Findlay, OH, which, by the way, just marked 100 years in business. We want them to be in business another 100 years, but they are having a tough time because they can't compete with tires being sold at below their cost. In response to the concerns they raised with me, I sent a letter to the Secretary of Commerce and called on the administration to vigorously investigate this case and to stand up for United Steelworkers in northwest Ohio.

We now have a trade enforcement case we are working on involving the uncoated paper product made in Chillicothe, OH, at Glatfelter. Again, these are United Steelworker workers who are just asking for a fair shake. They want us to be sure that the paper being sent into the United States from other countries is being fairly traded and not illegally subsidized and not sold at below cost or dumped.

So the tire case and the paper case are two examples where the material injury standard would really matter.

This is an important time for us because in Ohio we have a lot of other cases too. In 2014, we had a couple of important trade victories. Last year, I worked with Senator BROWN to support Ohio pipe and tube workers in Cleveland and the Mahoning Valley who are manufacturing parts to support the energy renaissance taking place in our State and around the country. I visited these pipe and tube manufacturers and met with the workers.

By the way, these workers are doing a great job. Again, they have made concessions to be more competitive. The companies have put a big investment in their training and a big investment in technology, and they can compete if there is a level playing field, and they can win in the international competition.

We won two trade enforcement cases just last year, among others against China, where they were illegally underselling and subsidizing their products. These victories brought some relief for Ohio pipe and tube makers and again gave us a chance to get back on our feet.

We had another win just last month with regard to extending those tariffs to ensure we do have this more level playing field. That followed trade enforcement wins I supported for workers who manufacture hot rolled steel at ArcelorMittal in Cleveland; AK Steel in Middletown; washing machines at Whirlpool in Clyde, OH; and rebar at the Nucor plant in Marion, OH, but

also rebar made elsewhere, including Byer Steel in Cincinnati. I visited both of those plants and talked to the workers. They are working hard. They understand they have to compete. They understand it is a global marketplace. They are willing to compete, but they want to be sure it is on a level playing field, and if we do pass this legislation, it will help them in terms of getting that.

Again, I don't think it is fair for American companies to see products coming in here that are being subsidized and undersold and yet they are not able to get the relief they need. So I am hopeful we will be able to pass this legislation as part of the customs law that is going to come before the Senate. That material injury standard is what it ought to be to ensure that, although companies now have access to seek this remedy, that they can actually get the relief they need by having this relief provided more quickly and having the standard be one that can be met by American companies and workers who are being hit with these unfair trade practices.

I am pleased this effort is supported by a lot of manufacturers all around the country. Today, I met with the fasteners from Ohio. These are the folks in Ohio who makes the nuts and bolts and so on. They are interested in this case because, again, they see the ability for them to get a remedy when they need it. It is also supported by US Steel, Timken Steel, Nucor Steel, United Steelworkers, and others. Again, it is a classic example of working together to help protect workers and jobs in places such as Ohio.

By the way, I hope it will pass as part of the Customs bill, but, again, I hope it is also made part of whatever legislation goes over to the House and to the President for his signature, and that may well be the legislation that includes trade promotion authority.

I am also pleased that this Customs bill includes a measure that protects American workers and manufacturers called the ENFORCE Act. It is also part of this package of bills that is in the customs legislation. I have supported and cosponsored this bipartisan bill with Senator WYDEN since it was introduced back in 2011. I have been proud to be the lead Republican on this legislation because, just as I talked about how that bipartisan bill with Senator BROWN on the material injury standard is so important, we have to be sure that once we win a trade case, countries don't use diversion to go around whatever provisions are put in place.

Let me give an example. Sometimes a case is won against one country, but then they evade those higher tariffs by moving the production to another country, and they do it precisely because the trade case has been won. It is kind of hard to keep up with that, and that is why this legislation allows the administration to go after this issue of customs evasion. Sometimes companies are spending millions of dollars a year fighting these evasion schemes. A lot of time and effort is put into it.

It extremely concerning that these goods continue to illegally enter the country through illegal transshipment and falsified country-of-origin labeling, sometimes undervalued invoices to pay less for duties, and sometimes misclassifying goods so they can slip through our customs without being subject to tariffs.

Let me give an example of this. Workers in Ohio produce prestressed concrete steel wire strand, called PC strand. It is one of our big products in Ohio. We are proud to produce it. It is actually made from carbon wire rod that is used to compress concrete structural members to allow them to withstand very heavy loads. This would be for let's say bridges, parking garages, and certain concrete foundations.

There are 250 workers at American Spring Wire in Bedford, OH, and I visited them and talked to them. They are very interested in this provision because it helps them. Along with two other producers, they were a petitioner in a successful trade case against China a couple of years ago.

As a result of that action, both antidumping duties and also countervailing duties were put in place. Why? Because this product was coming in illegally subsidized and it was dumped—in other words, sold at below cost. So they went through the right process and were able to get these tariffs in place as it related to China; however, Chinese traders began to approach U.S. producers and importers with proposals even before the case ended to circumvent this so that the trade orders that would be in place with regard to China would be circumvented by sending this product through a third country, where this strand would be relabeled and possibly repackaged to reflect a different country of origin. By doing so, these antidumping and countervailing duties would be avoided.

And once these trade orders against PC strand were entered, Malaysia did indeed become a new source—a significant new source of imports through use of this transshipment approach.

So that is what this legislation goes after. It says, look, when you do this—these kinds of schemes, the U.S. Government is required to investigate these cases, and requires Customs to make a preliminary determination when they have suspicion of this happening. This is a big step forward. Again, it is going to help companies, not just successfully go through the process and the great cost of winning one of these cases but actually having it mean something to them and their workers by ensuring companies don't evade it by going to a third country.

Another way we can support American jobs that is in this customs legislation is called the miscellaneous tariffs bill. I am pleased it includes a bipartisan bill that I coauthored. I authored this bill with Senator CLAIRE MCCASKILL of Missouri. I thank her, and I also thank a couple of other cosponsors who have been very helpful in getting this legislation into the Customs bill and getting it onto the floor of the Senate. That includes Senator BURR of North Carolina and Senator TOOMEY of Pennsylvania.

Senator TOOMEY has been very helpful, because under the old way, if we dealt with miscellaneous tariff bills, it was really considered an earmark because it was sort of a rifleshot, where individual Members would take up the cause. He has been very helpful in bringing that issue to the fore and ensuring that under our legislation we are not going to have earmarks. In fact, we are going to be able to have the International Trade Commission be involved to determine what the merits of the cases are, not individual Members of Congress. That is very important to me. Senator BURR has been very helpful to kind of bring the textile interests to bear here, to ensure that as we are looking at this issue of miscellaneous tariff bills, we are ensuring that the textile industry is protected as are our other manufacturers.

The miscellaneous tariff bill is interesting. This is for extension of miscellaneous tariffs that suspend or lower tariffs on a product that is an input to a manufacturing facility in the United States, where there is no available product in the United States of America.

Right now we are paying tariffs on products coming in here where there is no competition in America. If we can, through these miscellaneous tariff bills, either reduce or eliminate these duties, it will be less costly for our manufacturers to compete around the world and less costly for our consumers. So this is a good thing for our economy. It is something we ought to be promoting, and I thank our leadership for getting this into the customs legislation. Let's deal with this MTB issue.

By the way, the old legislation expired back in January of 2013—January of 2013. Since that time, American manufacturers and consumers have been paying a much higher import duty, which is essentially higher taxes, than they should have to pay. That means they can't put money into raising wages, increasing benefits for American workers, and maintaining our competitiveness.

There is a recent study out showing the failure to pass this MTB legislation has resulted in a tax hike on U.S. manufacturers of $748 million—an economic loss of $1.8 billion over the past several years.

This legislation is backed by the National Association of Manufacturers, along with 185 associations and companies that urge us to quickly act on this, including 8 of those companies and associations in my home State of Ohio. So this is a reform bill that immediately restarts this MTB process

later this year, resolves these earmark concerns that we had previously, and allows us to preserve Congress's traditional and constitutional role in trade policy. It is the right balance. I am excited it is in this Customs bill, along with the other provisions I talked about.

Next week, I plan to talk more about another issue. It is not in the customs legislation, but it will be in the legislation debate regarding trade promotion authority.

We talked earlier about the importance of expanding exports through trade promotion authority but also ensuring we had this level playing field. Part of the level playing field is ensuring that countries do not manipulate their currency, which takes away so many of the benefits of a trade agreement. Chairman Volcker of the Fed has said something I think that is interesting in this regard. He has said that in five minutes, exchange rates can wipe out what it took trade negotiators ten years to accomplish.

We will talk more about this next week as we talk about trade promotion authority, because I do intend to offer an amendment that is targeted, that is not going to be a poison pill in any respect because I think it will actually help us get more votes for trade, which is an important thing, and it is also something that, frankly, does not affect the TPP countries immediately because none of them are violating the provisions of the IMF—International Monetary Fund—which is what we use for our definition of currency manipulation, but they have in the past, and we don't want them to in the future. We don't want them to take away the very benefits that American workers and farmers get from these trade agreements.

I appreciate the time today to talk about this customs legislation. I am excited to have it on the floor tomorrow and have the chance to vote on all these very important enforcement provisions, to ensure that our workers and our farmers are getting a fair shake.

Then, next week, I hope we will have the opportunity to take up trade promotion authority and move that forward, again, in a way to ensure that we are lowering these barriers overseas for our farmers, our workers, our service providers, so we can access those 95 percent of consumers who are outside of our borders and send more stuff stamped ''Made in America'' all around the world, adding jobs in Ohio and America.

I yield back my time.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE PROMOTION AUTHORITY

Ms. MIKULSKI. Mr. President, yesterday, I voted in opposition to cloture on fast-track trade promotion authority.

This was a difficult vote for me. Maryland is pulled in two directions on this issue. On one side Maryland's agricultural industries, such as poultry on the Eastern Shore and the Port of Baltimore, where they believe this trade deal will bring economic benefits for the State. On the other side, I have constituents in Dundalk who don't have a steel industry anymore and wonder why Congress didn't do more to protect them from the effects of trade.

Let me be very clear on one point. I support trade. I encourage trade. Trade is very important to my State. Maryland workers can compete successfully in a global marketplace if they are given a level playing field. That is why I support expansion of fair trade.

In the past, I have supported bilateral trade agreements. We have leverage in those situations and can get strong, enforceable labor and environmental provisions into those agreements to improve living standards and stop child labor in sweatshops. But I have always been suspicious of multilateral agreements like NAFTA. I have seen too many of these big deals fail to deliver the promises of new jobs and businesses.

Why is the role of Congress so important? To make sure the American people get a good deal. I am ready to support trade agreements that are good for America, agreements that are good for workers and good for the environment. Congress should consider trade legislation and amendments using the same procedures we use to consider other legislation.

We should use the leverage of our trade agreements to ensure fair competition. That means workers in other countries should have the right to organize into unions. Without the strength of collective bargaining, their wages will always be below ours. They should also have worker safety protection and retirement and health care benefits.

We should use the leverage of our trade agreements to encourage countries to respect the basic human rights of their citizens. Everyone deserves the right to live in a healthy, clean, unpolluted environment, and every worker should be guaranteed their fundamental rights at work.

When considering trade deals, I also have to consider the impact on my State of Maryland. I am a blue-collar Senator. My heart and soul lies with blue-collar America. I spent most of my life in a blue-collar neighborhood. My mother and father owned a neighborhood grocery store. When Bethlehem Steel went on strike, my dad gave those workers credit. My career and public service is one of deep commitment to working-class people. In the last decade, working people have faced the loss of jobs, lower wages, a reduced standard of living, and a shrinking manufacturing base.

I believe that a renewal of fast-track negotiating authority means more Americans will lose their jobs in the name of free trade. More people will get TAA benefits, but more people will need them.

Proponents of fast-track say it is inevitable that there will be winners and losers. The problem is America's workers and their families always seem to be the losers. They lose their jobs. If they keep their jobs or find new jobs, they lose the wage rates they have earned. I have said before that I don't want to put American jobs on a fast-track to Mexico or a slow boat to China.

I had to base my decision on the facts and what I know to be true in my State. I have to be with my constituents who have felt repeatedly betrayed by the trade deals. I voted to stand up for American workers and consumers. I voted to stand up for the right and responsibility of Congress to fully consider trade agreements. That is why I voted against cloture on fast-track.

HONORING DEPUTY SHERIFF JOE DUNN

Mr. TESTER. Mr. President, I wish to honor Cascade County Deputy Sheriff Joe Dunn, a dedicated public servant who died in the line of duty on August 14, 2014.

On behalf of all Montanans, I thank Deputy Dunn for his service to our Nation and his community of Great Falls, MT.

Before enlisting to serve and protect his neighbors as a deputy sheriff, Joe Dunn served our Nation in the U.S. Marine Corps and deployed to the battlefields of Afghanistan.

Upon returning to Montana, Deputy Dunn married the love of his life, Robynn, and they had two children Joey and Shiloh, who were the center of his universe.

Deputy Dunn's deep commitment to Jesus and love for his family were the guiding principles in which he lived his life.

Montana's leaders have permanently honored the life and service of Deputy Dunn by naming an eight mile stretch of Interstate 15 outside of Great Falls, MT the Joseph J. Dunn Memorial Highway.

On May 15, 2015, Peace Officers Memorial Day, Deputy Dunn's name will be enshrined forever alongside 273 other brave peace officers who were killed in the line of duty.

During his lifetime of service, Deputy Dunn always went beyond the call of duty to ensure the safety of those he served, often working the evening shift and long hours away from his family.

Deputy Dunn always put others above himself, and he is the kind of leader every Montanan can be proud of.

Everyone who knew Deputy Dunn has been touched by his commitment to serve others, and his passion for making his community a better place to call home.

But above all, Joe Dunn was a family man and regardless of the length of his shift or the difficulty of his day, his top priority was being a father.

Today as a body, we offer our deepest thoughts and prayers to his family: Robynn, Joey, and Shiloh.

The State of Montana and this country are endlessly grateful for his service.

CONGRATULATING LIEUTENANT COLONEL HENRY BUTTELMANN

Mr. HELLER. Mr. President, today, I wish to congratulate Lt. Col. Henry Buttelmann on receiving the Congressional Gold Medal, honoring his role as an American Fighter Ace during the Korean and Vietnam wars. American Fighter Aces are pilots who shot down five or more enemy planes in aerial combat during time of war. It gives me great pleasure to honor Lieutenant Colonel Buttelmann for his bravery and his accomplishments while serving the United States of America.

Lieutenant Colonel Buttelmann is credited with seven confirmed air victories, five of which were during a short 12-day period. He was the youngest American Fighter Ace of the Korean war and flew a North American F–86 Sabre when he earned his Ace status. From 1948 to 1950, Lieutenant Colonel Buttelmann attended the University of Bridgeport, serving as a private in the 514th Troop Carrier Group with the Air National Guard. After graduating from Big Springs Air Force Base in Texas, he received advanced gunnery training at Nellis Air Force Base in Nevada. He was then sent to serve in the Korean war beginning December of 1952 and earned his Ace status on June 30, 1953. After his service in the Korean war, Lieutenant Colonel Buttelmann returned to Nellis Air Force Base for instructor duty. He then served in the Vietnam war, logging 232 combat missions during his 12-month tour. His service to our country is invaluable.

I extend my deepest gratitude to Lieutenant Colonel Buttelmann for his courageous contributions to the United States of America. His service to his country and his bravery earn him a place among the outstanding men and women who have valiantly defended our Nation. His legacy as an American Fighter Ace will continue on for years to come.

As a member of the Senate Veterans' Affairs Committee, I recognize that Congress has a responsibility not only to honor these brave individuals who serve our Nation, but also to ensure they are cared for when they return home. I remain committed to upholding this promise for our veterans and servicemembers in Nevada and throughout the Nation. Lieutenant Colonel Buttelmann's sacrifice warrants only the greatest respect and care in return.

Lieutenant Colonel Buttelmann displayed true dedication to his trade, loyalty to defending his country, and full commitment to excellence as an American Fighter Ace. I am both humbled and honored by his service and am proud to call him a fellow Nevadan. Today, I ask my colleagues to join me in recognizing Lt. Col. Henry Buttelmann for all of his achievements. I wish him well in all of his future endeavors.

CONGRATULATING CAPTAIN (DR.) CLAYTON K. GROSS

Mr. HELLER. Mr. President, today, I wish to congratulate Captain (Dr.) Clayton K. Gross on receiving the Congressional Gold Medal, honoring his role as an American Fighter Ace during World War II. American Fighter Aces are pilots who shot down five or more enemy planes in aerial combat during time of war. It gives me great pleasure to honor Captain Gross for his achievements and his bravery in serving the United States of America.

Captain Gross is credited with six and a half confirmed air victories and even shot down a Messerschmitt 262, the world's first operational jet fighter. He flew a North American P–51 Mustang he named ''Live Bait'' when he earned his Ace status. Captain Gross is a founding member of the American Fighter Aces Association and served as president of the organization from 1978 to 1979. He was also one of four former fighter pilots, representing all American Fighter Aces, present when President Barack Obama signed the American Fighter Aces Congressional Gold Medal Act. Captain Gross's dedication to his country and to his fellow American Fighter Aces is invaluable.

Captain Gross's service to the United States of America earns him a place among the heroes who have so valiantly defended our freedom. I offer my greatest appreciation to Captain Gross for his courageous contributions to this great Nation. His legacy as an American Fighter Ace will continue on for years to come.

As a member of the Senate Veterans' Affairs Committee, I recognize that Congress has a responsibility not only to honor these brave individuals who serve our Nation but also to ensure they are cared for when they return home. I remain committed to upholding this promise for our veterans and servicemembers in Nevada and throughout the Nation. Captain Gross's sacrifice warrants only the greatest respect and care in return.

During his service, Captain Gross demonstrated professionalism, commitment to excellence, and dedication to the highest standards of the American Fighter Aces. His accolade is well deserved. I am both humbled and honored by his service and am proud to call him a fellow Nevadan. Today, I ask my colleagues to join me in recognizing Captain Clayton Kelly Gross for all of his accomplishments. I wish him well in all of his future endeavors.

ADDITIONAL STATEMENTS

TRIBUTE TO REAR ADMIRAL KEVIN S. COOK

● Mr. BOOKER. Mr. President, I take this occasion to honor Rear Admiral Kevin S. Cook of the U.S. Coast Guard for his 36 years of dedicated service to our country. He is a man who, throughout his career, has led from the front, and our Nation has benefited greatly from his efforts.

A native of Freehold, NJ, Rear Admiral Cook earned his bachelor of science degree in ocean engineering and his commission from the U.S. Coast Guard Academy in 1979. Rear Admiral Cook spent his early years in the service afloat on ''work boats,'' the Coast Guard's black hull/aids to navigation fleet. He served as a deck watch officer on the Coast Guard Cutter *Madrona*, as Executive Officer on the Coast Guard Cutter *Bittersweet*, and as commanding officer of the Coast Guard Cutter *Cowslip*.

After his afloat career, Rear Admiral Cook developed proficiency in the Coast Guard's marine safety missions. His first operational ashore tour was at Marine Safety Office Hampton Roads. He was later assigned as executive officer and, subsequently, commanding officer of Marine Safety Office Houston-Galveston—the position he held at the time of the September 11, 2001, attacks. Under his leadership, the Marine Safety Office Houston-Galveston developed integrated tactics, techniques, and procedures to ensure the safety of the ports under its purview. In the years immediately following 9/11, Rear Admiral Cook directed homeland security operations while commanding the Regional Task Unit covering waters from Freeport, TX, to Lake Charles, LA. He carefully balanced safety and security with the need to facilitate commerce in the largest petrochemical complex in the United States. He executed these duties without any substantial disruption to the waterways or the more than 150 facilities that comprise the Port of Houston. His work established the foundation for Coast Guard maritime security operations today.

Rear Admiral Cook also spent time developing policy for the Coast Guard and the international maritime community. He was an engineer for, and later the Chief of, the Coast Guard's hazardous materials division. He also served as the director of prevention policy, where he was responsible for many of the Coast Guard's Marine Safety, Security, and Stewardship missions affecting waterways management, domestic and international shipping, recreational and fishing boats, and port facilities throughout the Nation. During this tour, our Nation would once again need Rear Admiral Cook's leadership and, as before, he would answer that call, serving as the national incident commander's representative to BP headquarters for

oversight of well containment activities during the 2010 Deep Water Horizon response. His specialty knowledge and incident response expertise was instrumental to the management of the first-ever designated Spill of National Significance, SONS, in U.S. history.

Rear Admiral Cook later served as deputy commander of the Atlantic area in Portsmouth, VA, overseeing operations spanning five Coast Guard districts and 40 States, from the Rocky Mountains to the Arabian Gulf.

Rear Admiral Cook presently serves as the commander of the Eighth Coast Guard District. Headquartered in New Orleans, the Eighth District is responsible for Coast Guard operations spanning 26 States, from North Dakota to Brownsville, TX; more than 1,200 miles of Gulf of Mexico shoreline from South Padre Island to the Florida Panhandle; and more than 10,300 miles of inland waterways, including the entire lengths of the Mississippi, Ohio, Missouri, Illinois, and Tennessee river systems. It also oversees more than 179,000-square-miles of the Gulf of Mexico and the associated oil and gas exploration activities that occur on the Outer Continental Shelf.

Unique to the Eighth Coast Guard District are the wide and varied missions carried out daily across the gulf and heartland of America. Rear Admiral Cook has provided strategic vision and critical operational support to ensure that the nearly 10,000 Active Duty, Reserve, Civilian, and Auxiliary members under his charge have the necessary tools and direction to protect some of our Nation's busiest ports and waterways. In fact, the Eighth District oversees 17 of the top 40 busiest U.S. ports in terms of gross tonnage shipped annually—ports such as Houston, Lake Charles, Corpus Christi, New Orleans, and Mobile that are vital to our Nation's economic prosperity. The Eighth District's boundaries also contain the majority of our Nation's river systems, which facilitate the movement of 880 million tons of cargo annually via towboat and barge traffic. His responsibilities stretch 200 miles from shore into the Gulf of Mexico, where there are more than 6,500 oil and gas wells, over 100 mobile offshore drilling units, and approximately 30,000 people working on the Outer Continental Shelf every day. This is a vast area to command, but Rear Admiral Kevin Cook does so admirably.

A lifelong learner, Rear Admiral Cook has taken advantage of every opportunity to improve himself for the betterment of the Coast Guard and his community. He earned a master of science degree in chemical engineering from Princeton University, and he is a 1999 graduate of the U.S. Army War College. He later served a 1-year appointment as the Coast Guard fellow to the chief of naval operations strategic studies group. Rear Admiral Cook has earned numerous military honors, including the Legion of Merit, the Meritorious Service Medal, the Coast Guard Commendation Medal, and the Coast Guard Achievement Medal.

Rear Admiral Cook is a Coast Guardsman, but that is not all he is. He is husband to Kristen, and, together, they are the proud parents of three grown children: Erin, a second-grade teacher at Rosa Parks Elementary school in Woodbridge, VA; Peter, a technician at a TV station in Winter Park, FL; and Megan, who followed in her father's footsteps and serves as a lieutenant junior grade on the Coast Guard Cutter *Juniper* in Newport, RI.

This week, Rear Admiral Kevin Cook will leave his post in New Orleans and retire after 36 years of exemplary service to the Coast Guard and our Nation. Including his Coast Guard Academy time, Rear Admiral Cook has served our Nation for 40 years. Just as he has stood the watch and has been ''Semper Paratus . . . Always Ready'' during his career, I am sure that he is ready for the next phase of his life. The Coast Guard will carry on, as will his service legacy, through the men and women who he has led and mentored for the past four decades.

I ask my colleagues in the Senate to join me in thanking Rear Admiral Cook for his distinguished service and, in Coast Guard tradition, wish him fair winds and following seas.●

REMEMBERING FRANK HENDERSON

● Mr. CRAPO. Mr. President, I wish to honor the life of Frank Henderson, an outstanding Idaho leader who will be missed greatly.

Frank personified public service. He served our Nation in the U.S. Army 33rd Division during World War II. He served our State and his district in the Idaho State Legislature for five terms. He served Kootenai County as Kootenai County commissioner, and he served his community as mayor of Post Falls. Frank was a newsman by trade who attended the University of Idaho and began his career in journalism as a reporter for the Chicago Herald American newspaper. He worked as a marketing executive before returning to Idaho in 1976 and becoming the owner and publisher of the Post Falls Tribune.

Frank was a humble man who did not crave the spotlight. Throughout his career and life, he was a focused, organized, direct, driven, and solution-oriented leader. Frank worked hard, and utilized his ability to work well with others to make progress and deliver many significant achievements. These included drawing in and retaining businesses and jobs in Idaho, building the infrastructure to sustain economic expansion, and eliminating impediments to job growth.

He recognized the value of consensus building and the strength of a diversity of experiences and abilities. Diversification was central to his economic development efforts. Frank promoted a diversity of industry and local educational opportunities to support those industries and grow jobs. He wanted to make sure Idahoans had access to a broad spectrum of job opportunities, and he worked diligently to draw those industries to Idaho while assisting businesses already in Idaho with remaining competitive.

It is no surprise that Frank's talents and achievements have been widely recognized. He was inducted into the Idaho Hall of Fame in 2014 and received many other recognitions for his work in furthering economic development and in support of seniors, veterans, the Boy Scouts of America, and others. Frank received a Presidential Lifetime Achievement Award for Volunteerism.

Frank was so dedicated that he worked well into what would be many people's retirement years to make improvements for Idahoans. We have much to thank Frank Henderson for, including his example of effective leadership, his tenacity in seeing projects through to completion, and his focus on strengthening Idaho. I express my deep condolences to Frank's wife, Betty Ann, his children and their families, and his many other friends and loved ones.●

APPALACHIAN REGIONAL COMMISSION 50TH ANNIVERSARY

● Mr. KAINE. Mr. President, this spring, we celebrate the 50th anniversary of President Johnson signing legislation to establish the Appalachian Regional Commission, ARC.

The ARC represents a unique partnership between Federal, State and local government in 13 Appalachian States with the aim to address persistent poverty in Appalachian regions. In Virginia, 25 counties and 8 cities are part of that region. Since its inception, the Appalachian Regional Commission has worked to combat problems such as poor health, limited transportation infrastructure, and the digital divide. Over the past 50 years, ARC has funded projects that assisted in the reduction of distressed communities in the Commonwealth by providing assistance for water and wastewater projects, encouraging the adoption of advanced technologies such as broadband service, and supporting the development of community leaders and entrepreneurs. ARC has also recognized the importance of economic development that encourages tourism to help create communities where people want to live, work and visit.

In 1960, 43.2 percent of people lived in poverty in Virginia's Appalachian Region. That number has decreased to 18.6 percent today. In 1970, 28 percent of homes lacked complete plumbing. Today, that number has been reduced to 4 percent. This progress exemplifies ARC's steadfast commitment toward achieving its objective to increase job opportunities and per capita income, strengthen the capacity of Appalachia's citizens to compete in the global economy, improve the region's

infrastructure, and build the Appalachian Development Highway System, ADHS.

Great strides have been made in Virginia's Appalachian Region, but more work remains. I am proud to have signed a letter to the chairman and ranking member on Appropriations requesting fiscal year 2016 ARC funding at the President's budget request of $93 million. This critical work must continue until the 25 million Americans who live in the Appalachian Regions are helped out of poverty and can achieve socioeconomic parity with the Nation.

With the Appalachian Regional Commission's continued work and determination, I am confident that the region will continue toward economic progress, growth, and development.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

PRESIDENTIAL MESSAGE

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13611 OF MAY 16, 2012, WITH RESPECT TO YEMEN—PM 16

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13611 of May 16, 2012, with respect to Yemen is to continue in effect beyond May 16, 2015.

The actions and policies of certain members of the Government of Yemen and others continue to threaten Yemen's peace, security, and stability, including by obstructing the implementation of the agreement of November 23, 2011, between the Government of Yemen and those in opposition to it, which provided for a peaceful transition of power that meets the legitimate demands and aspirations of the Yemeni people for change, and by obstructing the political process in Yemen. For this reason, I have determined that it is necessary to continue the national emergency declared in Executive Order 13611 with respect to Yemen.

BARACK OBAMA.

THE WHITE HOUSE, *May 13, 2015.*

MESSAGES FROM THE HOUSE

At 1:37 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 665. An act to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty, is missing in connection with the officer's official duties, or an imminent and credible threat that an individual intends to cause the serious injury or death of a law enforcement officer is received, and for other purposes.

S. 1124. An act to amend the Workforce Innovation and Opportunity Act to improve the Act.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 606. An act to amend the Internal Revenue Code of 1986 to exclude certain compensation received by public safety officers and their dependents from gross income.

H.R. 723. An act to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, members of rescue squads or ambulance crews, and public safety officers who are killed in the line of duty.

H.R. 1732. An act to preserve existing rights and responsibilities with respect to waters of the United States, and for other purposes.

H.R. 2146. An act to amend the Internal Revenue Code of 1986 to allow Federal law enforcement officers, firefighters, and air traffic controllers to make penalty-free withdrawals from governmental plans after age 50, and for other purposes.

The message further announced that the House has agreed to the following resolution:

H. Res. 254. Resolution relative to the death of the Honorable James Claude Wright, Jr., a former Representative from the State of Texas.

ENROLLED BILLS SIGNED

At 3:30 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 651. An act to designate the facility of the United States Postal Service located at 820 Elmwood Avenue in Providence, Rhode Island, as the ''Sister Ann Keefe Post Office''.

H.R. 1075. An act to designate the United States Customs and Border Protection Port of Entry located at First Street and Pan American Avenue in Douglas, Arizona, as the ''Raul Hector Castro Port of Entry''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 723. An act to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, members of rescue squads or ambulance crews, and public safety officers who are killed in the line of duty; to the Committee on Rules and Administration.

H.R. 2146. An act to amend the Internal Revenue Code of 1986 to allow Federal law enforcement officers, firefighters, and air traffic controllers to make penalty-free withdrawals from governmental plans after age 50, and for other purposes; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1581. A communication from the Chief Financial Officer, Department of Energy, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act; to the Committee on Appropriations .

EC–1582. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Viruses, Serums, Toxins, and Analogous Products; Exemptions From Preparation Pursuant to an Unsuspended and Unrevoked License'' ((RIN0579–AD66) (Docket No. APHIS–2011–0048)) received in the Office of the President of the Senate on May 11, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1583. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of fifteen (15) officers authorized to wear the insignia of the grade of major general or brigadier general, as indicated, in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1584. A communication from the Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Homeownership Counseling Organizations Lists and High-Cost Mortgage Counseling Interpretive Rule'' (RIN3170–AA52) received in the Office of the President of the Senate on May 11, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–1585. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Banking, Housing, and Urban Affairs.

EC–1586. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13667 of May 12, 2014, with respect to the Central African Republic; to the Committee on Banking, Housing, and Urban Affairs.

EC–1587. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC–1588. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to China; to the Committee on Banking, Housing, and Urban Affairs.

EC–1589. A communication from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, a report entitled

''Annual Report to Congress on Federal Government Energy Management and Conservation Programs, Fiscal Year 2013''; to the Committee on Energy and Natural Resources.

EC–1590. A communication from the Associate Administrator, Office of Congressional and Intergovernmental Affairs, General Services Administration, transmitting, pursuant to law, a report to Congress identifying the 9–1–1 capabilities of the multi-line telephone system in use by all federal agencies in all federal buildings and properties; to the Committee on Environment and Public Works.

EC–1591. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections to the North American Free Trade Agreement Uniform Regulations'' (RIN1515–AE04) received in the Office of the President of the Senate on May 7, 2015; to the Committee on Finance.

EC–1592. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period December 1, 2014, through January 31, 2015; to the Committee on Foreign Relations.

EC–1593. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report certifying for fiscal year 2015 that no United Nations agency or United Nations affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization; to the Committee on Foreign Relations.

EC–1594. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14–103); to the Committee on Foreign Relations.

EC–1595. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–021); to the Committee on Foreign Relations.

EC–1596. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14–139); to the Committee on Foreign Relations.

EC–1597. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–031); to the Committee on Foreign Relations.

EC–1598. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2015–0036–2015–0050); to the Committee on Foreign Relations.

EC–1599. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Bruce A. Litchfield, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1600. A communication from the Deputy Director, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Organ Procurement and Transplantation: Implementation of the HIV Organ Policy Equity Act'' (RIN0906–AB05) received during adjournment of the Senate in the Office of the President of the Senate on May 8, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–1601. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Examination of the District's Reserve Fund Policies''; to the Committee on Homeland Security and Governmental Affairs.

EC–1602. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–50, ''Pre-K Student Discipline Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–1603. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's annual report concerning military assistance and military exports; to the Committee on Foreign Relations.

EC–1604. A communication from the Regulatory Coordinator, U.S. Immigration and Customs Enforcement, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Adjustments to Limitations on Designated School Official Assignment and Study by F–2 and M–2 Nonimmigrants'' (RIN1653–AA63) received in the Office of the President of the Senate on May 7, 2015; to the Committee on the Judiciary .

EC–1605. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–51, ''Health Benefit Exchange Authority Financial Sustainability Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Finance:

Report to accompany S. 1269, An original bill to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes (Rept. No. 114–45).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN (for himself, Mr. BLUMENTHAL, Mrs. MURRAY, and Mr. DURBIN):

S. 1313. A bill to expand eligibility for reimbursement for smoking cessation services to include copayments for such services paid after fiscal year 2009 by covered beneficiaries under the TRICARE program who are eligible for Medicare; to the Committee on Armed Services.

By Mr. BOOKER (for himself and Mr. HOEVEN):

S. 1314. A bill to establish an interim rule for the operation of small unmanned aircraft for commercial purposes and their safe integration into the national airspace system; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI (for himself, Mr. WYDEN, Mr. MANCHIN, Mr. HEINRICH, Mr. LEE, and Mr. THUNE):

S. 1315. A bill to protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI:

S. 1316. A bill to provide for the retention and future use of certain land in Point Spencer, Alaska, to support the mission of the Coast Guard, to convey certain land in Point Spencer to the Bering Straits Native Corporation, to convey certain land in Point Spencer to the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ISAKSON (for himself and Mr. MURPHY):

S. 1317. A bill to amend the Employee Retirement Income Security Act of 1974 to require a lifetime income disclosure; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mr. WHITEHOUSE):

S. 1318. A bill to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. HELLER:

S. 1319. A bill to validate final patent number 27–2005-0081, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. WARREN (for herself and Mr. VITTER):

S. 1320. A bill to amend the Federal Reserve Act to reform the Federal Reserve System; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COONS (for himself, Mr. PORTMAN, Ms. AYOTTE, and Mr. PETERS):

S. 1321. A bill to expand benefits to the families of public safety officers who suffer fatal climate-related injuries sustained in the line of duty and proximately resulting in death; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. HATCH, and Mr. KIRK):

S. 1322. A bill to amend the Family Educational Rights and Privacy Act of 1974 to ensure that student data handled by private companies is protected, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself, Mr. WARNER, and Ms. AYOTTE):

S. 1323. A bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury and the Commissioner of the Social Security Administration to disclose certain return information related to identity theft, and for other purposes; to the Committee on Finance.

By Mrs. CAPITO (for herself, Mr. MCCONNELL, Mr. INHOFE, Mr. MANCHIN, Mr. CORNYN, Mr. THUNE, Mr. BARRASSO, Mr. BLUNT, Mr. ALEXANDER, Mr. BOOZMAN, Mr. CASSIDY, Mr. COATS, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. ENZI, Mrs. FISCHER, Mr. HOEVEN, Mr. ISAKSON, Mr. PAUL, Mr. PERDUE, Mr. RISCH, Mr. ROUNDS, Mr. ROBERTS, Mr. TILLIS, and Mr. WICKER):

S. 1324. A bill to require the Administrator of the Environmental Protection Agency to fulfill certain requirements before regulating standards of performance for new, modified, and reconstructed fossil fuel-fired electric utility generating units, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PORTMAN (for himself and Mr. BROWN):

S. 1325. A bill to designate the Department of Veterans Affairs community based outpatient clinic in Newark, Ohio, as the Daniel

L. Kinnard Department of Veterans Affairs Community Based Outpatient Clinic; to the Committee on Veterans Affairs.

By Mrs. FISCHER:

S. 1326. A bill to amend certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR (for herself, Mr. GRAHAM, Mrs. FEINSTEIN, and Mr. GRASSLEY):

S. 1327. A bill to amend the Controlled Substances Act relating to controlled substance analogues; to the Committee on the Judiciary.

By Mrs. SHAHEEN (for herself and Mr. COCHRAN):

S. 1328. A bill to authorize a national grant program for on-the-job training; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KAINE:

S. 1329. A bill to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself, Mr. FRANKEN, Ms. WARREN, Mr. MERKLEY, Mr. BOOKER, Mr. SCHATZ, Mr. MARKEY, Mrs. SHAHEEN, Ms. HIRONO, Ms. BALDWIN, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1330. A bill to amend the Equal Credit Opportunity Act to prohibit discrimination on account of sexual orientation or gender identity when extending credit; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THUNE (for himself and Mr. SCHATZ):

S. 1331. A bill to help enhance commerce through improved seasonal forecasts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND:

S. 1332. A bill to require the Secretary of Agriculture to protect against foodborne illnesses, provide enhanced notification of recalled meat, poultry, eggs, and related food products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GARDNER (for himself, Mr. WYDEN, Mr. HATCH, Mr. ISAKSON, Mr. MERKLEY, and Mr. BENNET):

S. 1333. A bill to amend the Controlled Substances Act to exclude cannabidiol and cannabidiol-rich plants from the definition of marihuana, and for other purposes; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mr. SULLIVAN, and Mr. SCHATZ):

S. 1334. A bill to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SULLIVAN (for himself and Mr. SCHATZ):

S. 1335. A bill to implement the Convention on the Conservation and Management of the High Seas Fisheries Resources in the North Pacific Ocean, as adopted at Tokyo on February 24, 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHATZ (for himself and Mr. SULLIVAN):

S. 1336. A bill to implement the Convention on the Conservation and Management of the High Seas Fishery Resources in the South Pacific Ocean, as adopted at Auckland on November 14, 2009, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. UDALL):

S. 1337. A bill to reform the Privacy and Civil Liberties Oversight Board, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 33

At the request of Mr. BARRASSO, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 33, a bill to provide certainty with respect to the timing of Department of Energy decisions to approve or deny applications to export natural gas, and for other purposes.

S. 207

At the request of Mr. MORAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 207, a bill to require the Secretary of Veterans Affairs to use existing authorities to furnish health care at non-Department of Veterans Affairs facilities to veterans who live more than 40 miles driving distance from the closest medical facility of the Department that furnishes the care sought by the veteran, and for other purposes.

S. 280

At the request of Mr. PORTMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 280, a bill to improve the efficiency, management, and interagency coordination of the Federal permitting process through reforms overseen by the Director of the Office of Management and Budget, and for other purposes.

S. 298

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 298, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option of providing services to children with medically complex conditions under the Medicaid program and Children's Health Insurance Program through a care coordination program focused on improving health outcomes for children with medically complex conditions and lowering costs, and for other purposes.

S. 314

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 398

At the request of Mr. MORAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 398, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services, and for other purposes.

S. 431

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 431, a bill to permanently extend the Internet Tax Freedom Act.

S. 440

At the request of Mr. CRAPO, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 440, a bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness.

S. 578

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 578, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 608

At the request of Ms. STABENOW, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 608, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 683

At the request of Mr. BOOKER, the names of the Senator from Colorado (Mr. BENNET), the Senator from Oregon (Mr. WYDEN), the Senator from Oregon (Mr. MERKLEY) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 683, a bill to extend the principle of federalism to State drug policy, provide access to medical marijuana, and enable research into the medicinal properties of marijuana.

S. 697

At the request of Mr. UDALL, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. 697, a bill to amend the Toxic Substances Control Act to reauthorize and modernize that Act, and for other purposes.

S. 704

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 704, a bill to establish a Community-Based Institutional Special Needs Plan demonstration program to target home and community-based care to eligible Medicare beneficiaries.

S. 711

At the request of Ms. AYOTTE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 711, a bill to amend section 520J of the Public Service Health Act to authorize grants for mental health first aid training programs.

S. 713

At the request of Mrs. BOXER, the names of the Senator from Washington

(Mrs. MURRAY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 713, a bill to prevent international violence against women, and for other purposes.

S. 746

At the request of Mr. GRASSLEY, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 746, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 805

At the request of Mr. UDALL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 805, a bill to amend title 54, United States Code, to make Hispanic-serving institutions eligible for technical and financial assistance for the establishment of preservation training and degree programs.

S. 860

At the request of Mr. THUNE, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 860, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 883

At the request of Ms. MURKOWSKI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 883, a bill to facilitate the reestablishment of domestic, critical mineral designation, assessment, production, manufacturing, recycling, analysis, forecasting, workforce, education, and research capabilities in the United States, and for other purposes.

S. 928

At the request of Mrs. GILLIBRAND, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 928, a bill to reauthorize the World Trade Center Health Program and the September 11th Victim Compensation Fund of 2001, and for other purposes.

S. 968

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 968, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 1013

At the request of Mr. SCHUMER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1013, a bill to amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program, and for other purposes.

S. 1119

At the request of Mr. PETERS, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 1119, a bill to establish the National Criminal Justice Commission.

S. 1140

At the request of Mr. BARRASSO, the names of the Senator from Texas (Mr. CRUZ) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1140, a bill to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term ''waters of the United States'', and for other purposes.

S. 1162

At the request of Mr. TOOMEY, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1162, a bill to ensure Federal law enforcement officers remain able to ensure their own safety, and the safety of their families, during a covered furlough.

S. 1190

At the request of Mrs. CAPITO, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1190, a bill to amend title XVIII of the Social Security Act to ensure equal access of Medicare beneficiaries to community pharmacies in underserved areas as network pharmacies under Medicare prescription drug coverage, and for other purposes.

S. 1214

At the request of Mr. MENENDEZ, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Delaware (Mr. COONS), the Senator from Rhode Island (Mr. REED) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 1214, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 1238

At the request of Mr. LEE, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1238, a bill to provide for an accounting of total United States contributions to the United Nations.

S. 1305

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1305, a bill to amend the Colorado River Storage Project Act to authorize the use of the active capacity of the Fontenelle Reservoir.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAINE:

S. 1329. A bill to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KAINE. Mr. President, this bill has a complex backstory, but it serves a simple purpose: To allow asmall day care facility in Virginia to undertake routine repairs and maintenance.

For more than 20 years, the Plains Area Day Care Center in Broadway, VA, has served children from moderate-income families in Rockingham County. This facility sits on a 3-acre parcel that was once Federal land before the National Park Service conveyed it to Rockingham County in 1989 under the Federal Lands to Parks Program. The county in turn leases this land to the center for $1 per year, with a contract that runs through the year 2027.

The center is in need of repairs and maintenance, including a new roof. However, it has had difficulty in securing private financing for these activities because of the complex land ownership structure—Federal land conveyed conditionally to a county and leased to a private company. Due to Virginia's status as a ''Dillon Rule'' State, Rockingham County cannot execute a loan either.

This bill would specify that the 1989 land conveyance is transferred in fee simple, with no further use restrictions. I appreciate the goal of the Federal Lands to Parks Program to preserve land as open space, particularly after having overseen the preservation of 400,000 acres of open space in Virginia during my time as Governor of the Commonwealth. There are no plans to develop the open space on this site, only to fix the day care center building—a former Forest Service garage that has been on the site since before its transfer from Federal ownership.

This is a small modification that simply removes unnecessary bureaucratic hurdles and allows the day care center to continue doing what it has been doing for 25 years. My Virginia colleague Congressman BOB GOODLATTE has introduced companion legislation in the House of Representatives, and I am pleased to join him in this common-sense, bipartisan effort.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1222. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 1314, to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations; which was ordered to lie on the table.

SA 1223. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 1295, to amend the Internal Revenue Code of 1986 to improve the process for making determinations with respect to whether organizations are exempt from taxation under section 501(c)(4) of such Code; which was ordered to lie on the table.

SA 1224. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 644, to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; which was ordered to lie on the table.

SA 1225. Mr. MCCONNELL (for Mr. LEE) proposed an amendment to the concurrent resolution S. Con. Res. 10, supporting the designation of the year of 2015 as the ''International Year of Soils'' and supporting locally led soil conservation.

TEXT OF AMENDMENTS

SA 1222. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 1314, to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations; which was ordered to lie on the table; as follows:

At the end of section 106(b), insert the following:

(7) PROHIBITION ON TRADE AGREEMENTS THAT AFFECT IMMIGRATION LAWS.—

(A) IN GENERAL.—Nothing in this Act or in any trade agreement subject to this Act shall alter or affect any law, regulation, or policy relating to immigration.

(B) APPLICABILITY OF TRADE AUTHORITIES PROCEDURES.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement entered into under section 103(b) that includes any provision that alters or affects any law, regulation, or policy relating to immigration.

SA 1223. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 1295, to amend the Internal Revenue Code of 1986 to improve the process for making determinations with respect to whether organizations are exempt from taxation under section 501(c)(4) of such Code; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Trade Preferences Extension Act of 2015''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF AFRICAN GROWTH AND OPPORTUNITY ACT

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Extension of African Growth and Opportunity Act.
Sec. 104. Modifications of rules of origin for duty-free treatment for articles of beneficiary sub-Saharan African countries under Generalized System of Preferences.
Sec. 105. Monitoring and review of eligibility under Generalized System of Preferences.
Sec. 106. Promotion of the role of women in social and economic development in sub-Saharan Africa.
Sec. 107. Biennial AGOA utilization strategies.
Sec. 108. Deepening and expanding trade and investment ties between sub-Saharan Africa and the United States.
Sec. 109. Agricultural technical assistance for sub-Saharan Africa.
Sec. 110. Reports.
Sec. 111. Technical amendments.
Sec. 112. Definitions.

TITLE II—EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES

Sec. 201. Extension of Generalized System of Preferences.
Sec. 202. Authority to designate certain cotton articles as eligible articles only for least-developed beneficiary developing countries under Generalized System of Preferences.
Sec. 203. Application of competitive need limitation and waiver under Generalized System of Preferences with respect to articles of beneficiary developing countries exported to the United States during calendar year 2014.
Sec. 204. Travel goods.

TITLE III—EXTENSION OF PREFERENTIAL DUTY TREATMENT PROGRAM FOR HAITI

Sec. 301. Extension of preferential duty treatment program for Haiti.

TITLE IV—TARIFF CLASSIFICATION OF CERTAIN ARTICLES

Sec. 401. Tariff classification of recreational performance outerwear.
Sec. 402. Duty treatment of specialized athletic footwear.
Sec. 403. Effective date.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Report on contribution of trade preference programs to reducing poverty and eliminating hunger.

TITLE VI—OFFSETS

Sec. 601. Customs user fees.
Sec. 602. Time for payment of corporate estimated taxes.
Sec. 603. Improved information reporting on unreported and underreported financial accounts.

TITLE I—EXTENSION OF AFRICAN GROWTH AND OPPORTUNITY ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''AGOA Extension and Enhancement Act of 2015''.

SEC. 102. FINDINGS.

Congress finds the following:

(1) Since its enactment, the African Growth and Opportunity Act has been the centerpiece of trade relations between the United States and sub-Saharan Africa and has enhanced trade, investment, job creation, and democratic institutions throughout Africa.

(2) Trade and investment, as facilitated by the African Growth and Opportunity Act, promote economic growth, development, poverty reduction, democracy, the rule of law, and stability in sub-Saharan Africa.

(3) Trade between the United States and sub-Saharan Africa has more than tripled since the enactment of the African Growth and Opportunity Act in 2000, and United States direct investment in sub-Saharan Africa has grown almost six-fold.

(4) It is in the interest of the United States to engage and compete in emerging markets in sub-Saharan African countries, to boost trade and investment between the United States and sub-Saharan African countries, and to renew and strengthen the African Growth and Opportunity Act.

(5) The long-term economic security of the United States is enhanced by strong economic and political ties with the fastest-growing economies in the world, many of which are in sub-Saharan Africa.

(6) It is a goal of the United States to further integrate sub-Saharan African countries into the global economy, stimulate economic development in Africa, and diversify sources of growth in sub-Saharan Africa.

(7) To that end, implementation of the Agreement on Trade Facilitation of the World Trade Organization would strengthen regional integration efforts in sub-Saharan Africa and contribute to economic growth in the region.

(8) The elimination of barriers to trade and investment in sub-Saharan Africa, including high tariffs, forced localization requirements, restrictions on investment, and customs barriers, will create opportunities for workers, businesses, farmers, and ranchers in the United States and sub-Saharan African countries.

(9) The elimination of such barriers will improve utilization of the African Growth and Opportunity Act and strengthen regional and global integration, accelerate economic growth in sub-Saharan Africa, and enhance the trade relationship between the United States and sub-Saharan Africa.

SEC. 103. EXTENSION OF AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) IN GENERAL.—Section 506B of the Trade Act of 1974 (19 U.S.C. 2466b) is amended by striking ''September 30, 2015'' and inserting ''September 30, 2025''.

(b) AFRICAN GROWTH AND OPPORTUNITY ACT.—

(1) IN GENERAL.—Section 112(g) of the African Growth and Opportunity Act (19 U.S.C. 3721(g)) is amended by striking ''September 30, 2015'' and inserting ''September 30, 2025''.

(2) EXTENSION OF REGIONAL APPAREL ARTICLE PROGRAM.—Section 112(b)(3)(A) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(3)(A)) is amended—

(A) in clause (i), by striking ''11 succeeding'' and inserting ''21 succeeding''; and

(B) in clause (ii)(II), by striking ''September 30, 2015'' and inserting ''September 30, 2025''.

(3) EXTENSION OF THIRD-COUNTRY FABRIC PROGRAM.—Section 112(c)(1) of the African Growth and Opportunity Act (19 U.S.C. 3721(c)(1)) is amended—

(A) in the paragraph heading, by striking ''SEPTEMBER 30, 2015'' and inserting ''SEPTEMBER 30, 2025'';

(B) in subparagraph (A), by striking ''September 30, 2015'' and inserting ''September 30, 2025''; and

(C) in subparagraph (B)(ii), by striking ''September 30, 2015'' and inserting ''September 30, 2025''.

SEC. 104. MODIFICATIONS OF RULES OF ORIGIN FOR DUTY-FREE TREATMENT FOR ARTICLES OF BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES UNDER GENERALIZED SYSTEM OF PREFERENCES.

(a) IN GENERAL.—Section 506A(b)(2) of the Trade Act of 1974 (19 U.S.C. 2466a(b)(2)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) the direct costs of processing operations performed in one or more such beneficiary sub-Saharan African countries or former beneficiary sub-Saharan African countries shall be applied in determining such percentage.''.

(b) APPLICABILITY TO ARTICLES RECEIVING DUTY-FREE TREATMENT UNDER TITLE V OF TRADE ACT OF 1974.—Section 506A(b) of the Trade Act of 1974 (19 U.S.C. 2466a(b)) is amended by adding at the end the following:

''(3) RULES OF ORIGIN UNDER THIS TITLE.—The exceptions set forth in subparagraphs (A), (B), and (C) of paragraph (2) shall also apply to any article described in section 503(a)(1) that is the growth, product, or manufacture of a beneficiary sub-Saharan African country for purposes of any determination to provide duty-free treatment with respect to such article.''.

(c) MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE.—The President may proclaim such modifications as may be necessary to the Harmonized Tariff Schedule of the United States (HTS) to add the special tariff treatment symbol ''D'' in the ''Special'' subcolumn of the HTS for each article classified under a heading or subheading with the special tariff treatment symbol ''A'' or ''A*'' in the ''Special'' subcolumn of the HTS.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on the date of the enactment of this Act and apply with respect to any article described in section 503(b)(1)(B) through (G) of the Trade Act of 1974 that is the growth, product, or manufacture of a beneficiary sub-Saharan African country and that is imported into the customs territory of the United States on or after the date that is 30 days after such date of enactment.

SEC. 105. MONITORING AND REVIEW OF ELIGIBILITY UNDER GENERALIZED SYSTEM OF PREFERENCES.

(a) CONTINUING COMPLIANCE.—Section 506A(a)(3) of the Trade Act of 1974 (19 U.S.C. 2466a(a)(3)) is amended—

(1) by striking ''If the President'' and inserting the following:

''(A) IN GENERAL.—If the President''; and

(2) by adding at the end the following:

''(B) NOTIFICATION.—The President may not terminate the designation of a country as a beneficiary sub-Saharan African country under subparagraph (A) unless, at least 60 days before the termination of such designation, the President notifies Congress and notifies the country of the President's intention to terminate such designation, together with the considerations entering into the decision to terminate such designation.''.

(b) WITHDRAWAL, SUSPENSION, OR LIMITATION OF PREFERENTIAL TARIFF TREATMENT.—Section 506A of the Trade Act of 1974 (19 U.S.C. 2466a) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) WITHDRAWAL, SUSPENSION, OR LIMITATION OF PREFERENTIAL TARIFF TREATMENT.—

''(1) IN GENERAL.—The President may withdraw, suspend, or limit the application of duty-free treatment provided for any article described in subsection (b)(1) of this section or section 112 of the African Growth and Opportunity Act with respect to a beneficiary sub-Saharan African country if the President determines that withdrawing, suspending, or limiting such duty-free treatment would be more effective in promoting compliance by the country with the requirements described in subsection (a)(1) than terminating the designation of the country as a beneficiary sub-Saharan African country for purposes of this section.

''(2) NOTIFICATION.—The President may not withdraw, suspend, or limit the application of duty-free treatment under paragraph (1) unless, at least 60 days before such withdrawal, suspension, or limitation, the President notifies Congress and notifies the country of the President's intention to withdraw, suspend, or limit such duty-free treatment, together with the considerations entering into the decision to terminate such designation.''.

(c) REVIEW AND PUBLIC COMMENTS ON ELIGIBILITY REQUIREMENTS.—Section 506A of the Trade Act of 1974 (19 U.S.C. 2466a), as so amended, is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) REVIEW AND PUBLIC COMMENTS ON ELIGIBILITY REQUIREMENTS.—

''(1) IN GENERAL.—In carrying out subsection (a)(2), the President shall publish annually in the Federal Register a notice of review and request for public comments on whether beneficiary sub-Saharan African countries are meeting the eligibility requirements set forth in section 104 of the African Growth and Opportunity Act and the eligibility criteria set forth in section 502 of this Act.

''(2) PUBLIC HEARING.—The United States Trade Representative shall, not later than 30 days after the date on which the President publishes the notice of review and request for public comments under paragraph (1)—

''(A) hold a public hearing on such review and request for public comments; and

''(B) publish in the Federal Register, before such hearing is held, notice of—

''(i) the time and place of such hearing; and

''(ii) the time and place at which such public comments will be accepted.

''(3) PETITION PROCESS.—

''(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this subsection, the President shall establish a process to allow any interested person, at any time, to file a petition with the Office of the United States Trade Representative with respect to the compliance of any country listed in section 107 of the African Growth and Opportunity Act with the eligibility requirements set forth in section 104 of such Act and the eligibility criteria set forth in section 502 of this Act.

''(B) USE OF PETITIONS.—The President shall take into account all petitions filed pursuant to subparagraph (A) in making determinations of compliance under subsections (a)(3)(A) and (c) and in preparing any reports required by this title as such reports apply with respect to beneficiary sub-Saharan African countries.

''(4) OUT-OF-CYCLE REVIEWS.—

''(A) IN GENERAL.—The President may, at any time, initiate an out-of-cycle review of whether a beneficiary sub-Saharan African country is making continual progress in meeting the requirements described in paragraph (1). The President shall give due consideration to petitions received under paragraph (3) in determining whether to initiate an out-of-cycle review under this subparagraph.

''(B) CONGRESSIONAL NOTIFICATION.—Before initiating an out-of-cycle review under subparagraph (A), the President shall notify and consult with Congress.

''(C) CONSEQUENCES OF REVIEW.—If, pursuant to an out-of-cycle review conducted under subparagraph (A), the President determines that a beneficiary sub-Saharan African country does not meet the requirements set forth in section 104(a) of the African Growth and Opportunity Act (19 U.S.C. 3703(a)), the President shall, subject to the requirements of subsections (a)(3)(B) and (c)(2), terminate the designation of the country as a beneficiary sub-Saharan African country or withdraw, suspend, or limit the application of duty-free treatment with respect to articles from the country.

''(D) REPORTS.—After each out-of-cycle review conducted under subparagraph (A) with respect to a country, the President shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the review and any determination of the President to terminate the designation of the country as a beneficiary sub-Saharan African country or withdraw, suspend, or limit the application of duty-free treatment with respect to articles from the country under subparagraph (C).

''(E) INITIATION OF OUT-OF-CYCLE REVIEWS FOR CERTAIN COUNTRIES.—Recognizing that concerns have been raised about the compliance with section 104(a) of the African Growth and Opportunity Act (19 U.S.C. 3703(a)) of some beneficiary sub-Saharan African countries, the President shall initiate an out-of-cycle review under subparagraph (A) with respect to South Africa, the most developed of the beneficiary sub-Saharan African countries, and other beneficiary countries as appropriate, not later than 30 days after the date of the enactment of this subsection.''.

SEC. 106. PROMOTION OF THE ROLE OF WOMEN IN SOCIAL AND ECONOMIC DEVELOPMENT IN SUB-SAHARAN AFRICA.

(a) STATEMENT OF POLICY.—Section 103 of the African Growth and Opportunity Act (19 U.S.C. 3702) is amended—

(1) in paragraph (8), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (9), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(10) promoting the role of women in social, political, and economic development in sub-Saharan Africa.''.

(b) ELIGIBILITY REQUIREMENTS.—Section 104(a)(1)(A) of the African Growth and Opportunity Act (19 U.S.C. 3703(a)(1)(A)) is amended by inserting ''for men and women'' after ''rights''.

SEC. 107. BIENNIAL AGOA UTILIZATION STRATEGIES.

(a) IN GENERAL.—It is the sense of Congress that—

(1) beneficiary sub-Saharan African countries should develop utilization strategies on a biennial basis in order to more effectively and strategically utilize benefits available under the African Growth and Opportunity Act (in this section referred to as ''AGOA utilization strategies'');

(2) United States trade capacity building agencies should work with, and provide appropriate resources to, such sub-Saharan African countries to assist in developing and implementing biennial AGOA utilization strategies; and

(3) as appropriate, and to encourage greater regional integration, the United States Trade Representative should consider requesting the Regional Economic Communities to prepare biennial AGOA utilization strategies.

(b) CONTENTS.—It is further the sense of Congress that biennial AGOA utilization strategies should identify strategic needs and priorities to bolster utilization of benefits available under the African Growth and Opportunity Act. To that end, biennial AGOA utilization strategies should—

(1) review potential exports under the African Growth and Opportunity Act and identify opportunities and obstacles to increased trade and investment and enhanced poverty reduction efforts;

(2) identify obstacles to regional integration that inhibit utilization of benefits under the African Growth and Opportunity Act;

(3) set out a plan to take advantage of opportunities and address obstacles identified in paragraphs (1) and (2), improve awareness of the African Growth and Opportunity Act as a program that enhances exports to the United States, and utilize United States Agency for International Development regional trade hubs;

(4) set out a strategy to promote small business and entrepreneurship; and

(5) eliminate obstacles to regional trade and promote greater utilization of benefits under the African Growth and Opportunity Act and establish a plan to promote full regional implementation of the Agreement on Trade Facilitation of the World Trade Organization.

(c) PUBLICATION.—It is further the sense of Congress that—

(1) each beneficiary sub-Saharan African country should publish on an appropriate Internet website of such country public versions of its AGOA utilization strategy; and

(2) the United States Trade Representative should publish on the Internet website of the Office of the United States Trade Representative public versions of all AGOA utilization strategies described in paragraph (1).

SEC. 108. DEEPENING AND EXPANDING TRADE AND INVESTMENT TIES BETWEEN SUB-SAHARAN AFRICA AND THE UNITED STATES.

It is the policy of the United States to continue to—

(1) seek to deepen and expand trade and investment ties between sub-Saharan Africa and the United States, including through the negotiation of accession by sub-Saharan African countries to the World Trade Organization and the negotiation of trade and investment framework agreements, bilateral investment treaties, and free trade agreements, as such agreements have the potential to catalyze greater trade and investment, facilitate additional investment in sub-Saharan Africa, further poverty reduction efforts, and promote economic growth;

(2) seek to negotiate agreements with individual sub-Saharan African countries as well as with the Regional Economic Communities, as appropriate;

(3) promote full implementation of commitments made under the WTO Agreement (as such term is defined in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)) because such actions are likely to improve utilization of the African Growth and Opportunity Act and promote trade and investment and because regular review to ensure continued compliance helps to maximize the benefits of the African Growth and Opportunity Act; and

(4) promote the negotiation of trade agreements that cover substantially all trade between parties to such agreements and, if other countries seek to negotiate trade agreements that do not cover substantially all trade, continue to object in all appropriate forums.

SEC. 109. AGRICULTURAL TECHNICAL ASSISTANCE FOR SUB-SAHARAN AFRICA.

Section 13 of the AGOA Acceleration Act of 2004 (19 U.S.C. 3701 note) is amended—

(1) in subsection (a)—

(A) by striking ''shall identify not fewer than 10 eligible sub-Saharan African countries as having the greatest'' and inserting '', through the Secretary of Agriculture, shall identify eligible sub-Saharan African countries that have''; and

(B) by striking ''and complying with sanitary and phytosanitary rules of the United States'' and inserting '', complying with sanitary and phytosanitary rules of the United States, and developing food safety standards'';

(2) in subsection (b)—

(A) by striking ''20'' and inserting ''30''; and

(B) by inserting after ''from those countries'' the following: '', particularly from businesses and sectors that engage women farmers and entrepreneurs,''; and

(3) by adding at the end the following:

''(c) COORDINATION.—The President shall take such measures as are necessary to ensure adequate coordination of similar activities of agencies of the United States Government relating to agricultural technical assistance for sub-Saharan Africa.''.

SEC. 110. REPORTS.

(a) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and biennially thereafter, the President shall submit to Congress a report on the trade and investment relationship between the United States and sub-Saharan African countries and on the implementation of this title and the amendments made by this title.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include the following:

(A) A description of the status of trade and investment between the United States and sub-Saharan Africa, including information on leading exports to the United States from sub-Saharan African countries.

(B) Any changes in eligibility of sub-Saharan African countries during the period covered by the report.

(C) A detailed analysis of whether each such beneficiary sub-Saharan African country is continuing to meet the eligibility requirements set forth in section 104 of the African Growth and Opportunity Act and the eligibility criteria set forth in section 502 of the Trade Act of 1974.

(D) A description of the status of regional integration efforts in sub-Saharan Africa.

(E) A summary of United States trade capacity building efforts.

(F) Any other initiatives related to enhancing the trade and investment relationship between the United States and sub-Saharan African countries.

(b) POTENTIAL TRADE AGREEMENTS REPORT.—Not later than 1 year after the date of the enactment of this Act, and every 5 years thereafter, the United States Trade Representative shall submit to Congress a report that—

(1) identifies sub-Saharan African countries that have a expressed an interest in entering into a free trade agreement with the United States;

(2) evaluates the viability and progress of such sub-Saharan African countries and other sub-Saharan African countries toward entering into a free trade agreement with the United States; and

(3) describes a plan for negotiating and concluding such agreements, which includes the elements described in subparagraphs (A) through (E) of section 116(b)(2) of the African Growth and Opportunity Act.

(c) TERMINATION.—The reporting requirements of this section shall cease to have any force or effect after September 30, 2025.

SEC. 111. TECHNICAL AMENDMENTS.

Section 104 of the African Growth and Opportunity Act (19 U.S.C. 3703), as amended by section 106, is further amended—

(1) in subsection (a), by striking ''(a) IN GENERAL.—''; and

(2) by striking subsection (b).

SEC. 112. DEFINITIONS.

In this title:

(1) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY.—The term ''beneficiary sub-Saharan African country'' means a beneficiary sub-Saharan African country described in subsection (e) of section 506A of the Trade Act of 1974 (as redesignated by this Act).

(2) SUB-SAHARAN AFRICAN COUNTRY.—The term ''sub-Saharan African country'' has the meaning given the term in section 107 of the African Growth and Opportunity Act.

TITLE II—EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES

SEC. 201. EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES.

(a) IN GENERAL.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking ''July 31, 2013'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to articles entered on or after the 30th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to subparagraph (B), any entry of a covered article to which duty-free treatment or other preferential treatment under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) would have applied if the entry had been made on July 31, 2013, that was made—

(i) after July 31, 2013, and

(ii) before the effective date specified in paragraph (1),

shall be liquidated or reliquidated as though such entry occurred on the effective date specified in paragraph (1).

(B) REQUESTS.—A liquidation or reliquidation may be made under subparagraph (A) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(i) to locate the entry; or

(ii) to reconstruct the entry if it cannot be located.

(C) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of a covered article under subparagraph (A) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(3) DEFINITIONS.—In this subsection:

(A) COVERED ARTICLE.—The term ''covered article'' means an article from a country that is a beneficiary developing country under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) as of the effective date specified in paragraph (1).

(B) ENTER; ENTRY.—The terms ''enter'' and ''entry'' include a withdrawal from warehouse for consumption.

SEC. 202. AUTHORITY TO DESIGNATE CERTAIN COTTON ARTICLES AS ELIGIBLE ARTICLES ONLY FOR LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES UNDER GENERALIZED SYSTEM OF PREFERENCES.

Section 503(b) of the Trade Act of 1974 (19 U.S.C. 2463(b)) is amended by adding at the end the following:

''(5) CERTAIN COTTON ARTICLES.—Notwithstanding paragraph (3), the President may designate as an eligible article or articles under subsection (a)(1)(B) only for countries designated as least-developed beneficiary developing countries under section 502(a)(2) cotton articles classifiable under subheading 5201.00.18, 5201.00.28, 5201.00.38, 5202.99.30, or 5203.00.30 of the Harmonized Tariff Schedule of the United States.''.

SEC. 203. APPLICATION OF COMPETITIVE NEED LIMITATION AND WAIVER UNDER GENERALIZED SYSTEM OF PREFERENCES WITH RESPECT TO ARTICLES OF BENEFICIARY DEVELOPING COUNTRIES EXPORTED TO THE UNITED STATES DURING CALENDAR YEAR 2014.

(a) IN GENERAL.—For purposes of applying and administering subsections (c)(2) and (d) of section 503 of the Trade Act of 1974 (19 U.S.C. 2463) with respect to an article described in subsection (b) of this section, subsections (c)(2) and (d) of section 503 of such Act shall be applied and administered by substituting ''October 1'' for ''July 1'' each place such date appears.

(b) ARTICLE DESCRIBED.—An article described in this subsection is an article of a beneficiary developing country that is designated by the President as an eligible article under subsection (a) of section 503 of the Trade Act of 1974 (19 U.S.C. 2463) and with respect to which a determination described in subsection (c)(2)(A) of such section was made with respect to exports (directly or indirectly) to the United States of such eligible article during calendar year 2014 by the beneficiary developing country.

SEC. 204. TRAVEL GOODS.

Section 503(b)(1)(E) of the Trade Act of 1974 (19 U.S.C. 2463(b)(1)(E)) is amended by striking ''handbags, luggage, flat goods,''.

TITLE III—EXTENSION OF PREFERENTIAL DUTY TREATMENT PROGRAM FOR HAITI

SEC. 301. EXTENSION OF PREFERENTIAL DUTY TREATMENT PROGRAM FOR HAITI.

Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a) is amended as follows:

(1) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended—

(i) in subparagraph (B)(v)(I), by amending item (cc) to read as follows:

''(cc) 60 percent or more during the 1-year period beginning on December 20, 2017, and each of the 7 succeeding 1-year periods.''; and

(ii) in subparagraph (C)—

(I) in the table, by striking ''succeeding 11 1-year periods'' and inserting ''16 succeeding 1-year periods''; and

(II) by striking ''December 19, 2018'' and inserting ''December 19, 2025''.

(B) Paragraph (2) is amended—

(i) in subparagraph (A)(ii), by striking ''11 succeeding 1-year periods'' and inserting ''16 succeeding 1-year periods''; and

(ii) in subparagraph (B)(iii), by striking ''11 succeeding 1-year periods'' and inserting ''16 succeeding 1-year periods''.

(2) Subsection (h) is amended by striking ''September 30, 2020'' and inserting ''September 30, 2025''.

TITLE IV—TARIFF CLASSIFICATION OF CERTAIN ARTICLES

SEC. 401. TARIFF CLASSIFICATION OF RECREATIONAL PERFORMANCE OUTERWEAR.

(a) AMENDMENTS TO ADDITIONAL U.S. NOTES.—The Additional U.S. Notes to chapter 62 of the Harmonized Tariff Schedule of the United States are amended—

(1) in Additional U.S. Note 2—

(A) by striking ''For the purposes of subheadings'' and all that follows through ''6211.20.15'' and inserting ''For purposes of this chapter'';

(B) by striking ''garments classifiable in those subheadings'' and inserting ''a garment''; and

(C) by striking ''D 3600-81'' and inserting ''D 3779–81''; and

(2) by adding at the end the following new notes:

''3. (a) For purposes of this chapter, the term 'recreational performance outerwear' means trousers (including, but not limited to, paddling pants, ski or snowboard pants, and ski or snowboard pants intended for sale as parts of ski-suits), coveralls and bib overalls, and jackets (including, but not limited to, full zip jackets, paddling jackets, ski jackets, and ski jackets intended for sale as parts of ski-suits), windbreakers, and similar articles (including padded, sleeveless jackets) composed of fabrics of cotton, wool, hemp, bamboo, silk, or manmade fiber, or a combination of such fibers, that are either water resistant or treated with plastics, or both, with critically sealed seams, and with 5 or more of the following features:

''(i) Insulation for cold weather protection.

''(ii) Pockets, at least one of which has a zippered, hook and loop, or other type of closure.

''(iii) Elastic, drawcord, or other means of tightening around the waist or leg hems, including hidden leg sleeves with a means of tightening at the ankle for trousers and tightening around the waist or bottom hem for jackets.

''(iv) Venting, not including grommet(s).

''(v) Articulated elbows or knees.

''(vi) Reinforcement in one of the following areas: the elbows, shoulders, seat, knees, ankles, or cuffs.

''(vii) Weatherproof closure at the waist or front.

''(viii) Multi-adjustable hood or adjustable collar.

''(ix) Adjustable powder skirt, inner protective skirt, or adjustable inner protective cuff at sleeve hem.

''(x) Construction at the arm gusset that utilizes fabric, design, or patterning to allow radial arm movement.

''(xi) Odor control technology.

The term 'recreational performance outerwear' does not include occupational outerwear.

''(b) For purposes of this Note, the following terms have the following meanings:

''(i) The term 'treated with plastics' refers to textile fabrics impregnated, coated, covered, or laminated with plastics, as described in Note 2 to chapter 59.

''(ii) The term 'sealed seams' means seams that have been covered by means of taping, gluing, bonding, cementing, fusing, welding, or a similar process so that water cannot pass through the seams when tested in accordance with the current version of AATCC Test Method 35.

''(iii) The term 'critically sealed seams' means—

''(A) for jackets, windbreakers, and similar articles (including padded, sleeveless jackets), sealed seams that are sealed at the front and back yokes, or at the shoulders, arm holes, or both, where applicable; and

''(B) for trousers, overalls and bib overalls and similar articles, sealed seams that are sealed at the front (up to the zipper or other means of closure) and back rise.

''(iv) The term 'insulation for cold weather protection' means insulation with either synthetic fill, down, a laminated thermal backing, or other lining for thermal protection from cold weather.

''(v) The term 'venting' refers to closeable or permanent constructed openings in a garment (excluding front, primary zipper closures and grommet(s)) to allow increased expulsion of built-up heat during outdoor activities. In a jacket, such openings are often positioned on the underarm seam of a garment but may also be placed along other seams in the front or back of a garment. In trousers, such openings are often positioned on the inner or outer leg seams of a garment but may also be placed along other seams in the front or back of a garment.

''(vi) The term 'articulated elbows or knees' refers to the construction of a sleeve (or pant leg) to allow improved mobility at the elbow (or knee) through the use of extra seams, darts, gussets, or other means.

''(vii) The term 'reinforcement' refers to the use of a double layer of fabric or section(s) of fabric that is abrasion-resistant or otherwise more durable than the face fabric of the garment.

''(viii) The term 'weatherproof closure' means a closure (including, but not limited to, laminated or coated zippers, storm flaps, or other weatherproof construction) that has been reinforced or engineered in a manner to reduce the penetration or absorption of moisture or air through an opening in the garment.

''(ix) The term 'multi-adjustable hood or adjustable collar' means, in the case of a hood, a hood into which is incorporated two or more draw cords, adjustment tabs, or elastics, or, in the case of a collar, a collar into which is incorporated at least one draw cord, adjustment tab, elastic, or similar component, to allow volume adjustments around a helmet, or the crown of the head, neck, or face.

''(x) The terms 'adjustable powder skirt' and 'inner protective skirt' refer to a partial lower inner lining with means of tightening around the waist for additional protection from the elements.

''(xi) The term 'arm gusset' means construction at the arm of a gusset that utilizes an extra fabric piece in the underarm, usually diamond- or triangular-shaped, designed, or patterned to allow radial arm movement.

''(xii) The term 'radial arm movement' refers to unrestricted, 180-degree range of motion for the arm while wearing performance outerwear.

''(xiii) The term 'odor control technology' means the incorporation into a fabric or garment of materials, including, but not limited to, activated carbon, silver, copper, or any combination thereof, capable of adsorbing, absorbing, or reacting with human odors, or effective in reducing the growth of odor-causing bacteria.

''(xiv) The term 'occupational outerwear' means outerwear garments, including uniforms, designed or marketed for use in the workplace or at a worksite to provide durable protection from cold or inclement weather and/or workplace hazards, such as fire, electrical, abrasion, or chemical hazards, or impacts, cuts, punctures, or similar hazards.

''(c) Notwithstanding subdivision (b)(i) of this Note, for purposes of this chapter, Notes 1 and 2(a)(1) to chapter 59 and Note 1(c) to chapter 60 shall be disregarded in classifying goods as 'recreational performance outerwear'.

''(d) For purposes of this chapter, the importer of record shall maintain internal import records that specify upon entry whether garments claimed as recreational performance outerwear have an outer surface that is water resistant, treated with plastics, or a combination thereof, and shall further enumerate the specific features that make the garments eligible to be classified as recreational performance outerwear.''.

(b) TARIFF CLASSIFICATIONS.—Chapter 62 of the Harmonized Tariff Schedule of the United States is amended as follows:

(1) By striking subheading 6201.11.00 and inserting the following, with the article description for subheading 6201.11 having the same degree of indentation as the article description for subheading 6201.11.00 (as in effect on the day before the date of the enactment of this Act):

''	6201.11	Of wool or fine animal hair:			
	6201.11.05	Recreational performance outerwear	41¢/kg + 16.3%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 16.4¢/kg + 6.5% (OM)	52.9¢/kg + 58.5%

6201.11.10	Other	41¢/kg + 16.3%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 16.4¢/kg + 6.5% (OM)	52.9¢/kg + 58.5%	''.

(2) By striking subheadings 6201.12.10 and 6201.12.20 and inserting the following, with the article description for subheading 6201.12.05 having the same degree of indentation as the article description for subheading 6201.12.10 (as in effect on the day before the date of the enactment of this Act):

''	6201.12.05	Recreational performance outerwear	9.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	60%	
		Other:				
	6201.12.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%	
	6201.12.20	Other	9.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	''.

(3) By striking subheadings 6201.13.10 through 6201.13.40 and inserting the following, with the article description for subheading 6201.13.05 having the same degree of indentation as the article description for subheading 6201.13.10 (as in effect on the day before the date of the enactment of this Act):

''	6201.13.05	Recreational performance outerwear	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
		Other:				
	6201.13.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%	
		Other:				
	6201.13.30	Containing 36 percent or more by weight of wool or fine animal hair	49.7¢/kg + 19.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	52.9¢/kg + 58.5%	
	6201.13.40	Other	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	''.

(4) By striking subheadings 6201.19.10 and 6201.19.90 and inserting the following, with the article description for subheading 6201.19.05 having the same degree of indentation as the article description for subheading 6201.19.10 (as in effect on the day before the date of the enactment of this Act):

''	6201.19.05	Recreational performance outerwear	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
		Other:				
	6201.19.10	Containing 70 percent or more by weight of silk or silk waste	Free		35%	
	6201.19.90	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	''.

(5) By striking subheadings 6201.91.10 and 6201.91.20 and inserting the following, with the article description for subheading 6201.91.05 having the same degree of indentation as the article description for subheading 6201.91.10 (as in effect on the day before the date of the enactment of this Act):

''	6201.91.05	Recreational performance outerwear	49.7¢/kg + 19.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 19.8¢/kg + 7.8% (OM)	58.5%	
		Other:				
	6201.91.10	Padded, sleeveless jackets	8.5%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 7.6% (AU) 3.4% (OM)	58.5%	
	6201.91.20	Other	49.7¢/kg + 19.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 19.8¢/kg + 7.8% (OM)	52.9¢/kg + 58.5%	''.

(6) By striking subheadings 6201.92.10 through 6201.92.20 and inserting the following, with the article description for subheading 6201.92.05 having the same degree of indentation as the article description for subheading 6201.92.10 (as in effect on the day before the date of the enactment of this Act):

''	6201.92.05	Recreational performance outerwear	9.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
		Other:				
	6201.92.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%	
		Other:				
	6201.92.15	Water resistant	6.2%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 5.5% (AU)	37.5%	

6201.92.20	Other	9.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	''.

(7) By striking subheadings 6201.93.10 through 6201.93.35 and inserting the following, with the article description for subheading 6201.93.05 having the same degree of indentation as the article description for subheading 6201.93.10 (as in effect on the day before the date of the enactment of this Act):

''	6201.93.05	Recreational performance outerwear	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
		Other:				
	6201.93.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%	
		Other:				
	6201.93.20	Padded, sleeveless jackets	14.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	76%	
		Other:				
	6201.93.25	Containing 36 percent or more by weight of wool or fine animal hair	49.5¢/kg + 19.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	52.9¢/kg + 58.5%	
		Other:				
	6201.93.30	Water resistant	7.1%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 6.3% (AU)	65%	
	6201.93.35	Other	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	''.

(8) By striking subheadings 6201.99.10 and 6201.99.90 and inserting the following, with the article description for subheading 6201.99.05 having the same degree of indentation as the article description for subheading 6201.99.10 (as in effect on the day before the date of the enactment of this Act):

''	6201.99.05	Recreational performance outerwear	4.2%	Free (BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.7% (AU)	35%
		Other:			
	6201.99.10	Containing 70 percent or more by weight of silk or silk waste	Free		35%

	6201.99.90	Other	4.2%	Free (BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.7% (AU)	35%	''.

(9) By striking subheading 6202.11.00 and inserting the following, with the article description for subheading 6202.11 having the same degree of indentation as the article description for subheading 6202.11.00 (as in effect on the day before the date of the enactment of this Act):

''	6202.11	Of wool or fine animal hair:				
	6202.11.05	Recreational performance outerwear	41¢/kg + 16.3%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 16.4¢/kg + 6.5% (OM)	46.3¢/kg + 58.5%	
	6202.11.10	Other	41¢/kg + 16.3%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 16.4¢/kg + 6.5% (OM)	46.3¢/kg + 58.5%	''.

(10) By striking subheadings 6202.12.10 and 6202.12.20 and inserting the following, with the article description for subheading 6202.12.05 having the same degree of indentation as the article description for subheading 6202.12.10 (as in effect on the day before the date of the enactment of this Act):

''	6202.12.05	Recreational performance outerwear	8.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
		Other:				
	6202.12.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%	
	6202.12.20	Other	8.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	''.

(11) By striking subheadings 6202.13.10 through 6202.13.40 and inserting the following, with the article description for subheading 6202.13.05 having the same degree of indentation as the article description for subheading 6202.13.10 (as in effect on the day before the date of the enactment of this Act):

''	6202.13.05	Recreational performance outerwear	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
		Other:				

6202.13.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%	
	Other:				
6202.13.30	Containing 36 percent or more by weight of wool or fine animal hair	43.5¢/kg + 19.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	46.3¢/kg + 58.5%	
6202.13.40	Other	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	''

(12) By striking subheadings 6202.19.10 and 6202.19.90 and inserting the following, with the article description for subheading 6202.19.05 having the same degree of indentation as the article description for subheading 6202.19.10 (as in effect on the day before the date of the enactment of this Act):

''	6202.19.05	Recreational performance outerwear	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
		Other:				
	6202.19.10	Containing 70 percent or more by weight or silk or silk waste	Free		35%	
	6202.19.90	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	''.

(13) By striking subheadings 6202.91.10 and 6202.91.20 and inserting the following, with the article description for subheading 6202.91.05 having the same degree of indentation as the article description for subheading 6202.91.10 (as in effect on the day before the date of the enactment of this Act):

''	6202.91.05	Recreational performance outerwear	36¢/kg + 16.3%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 14.4¢/kg + 6.5% (OM)	58.5%	
		Other:				
	6202.91.10	Padded, sleeveless jackets	14%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 5.6% (OM)	58.5%	
	6202.91.20	Other	36¢/kg + 16.3%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 14.4¢/kg + 6.5% (OM)	46.3¢/kg + 58.5%	''.

(14) By striking subheadings 6202.92.10 through 6202.92.20 and inserting the following, with the article description for subheading 6202.92.05 having the same degree of indentation as the article description for subheading 6202.92.10 (as in effect on the day before the date of the enactment of this Act):

‘‘	6202.92.05	Recreational performance outerwear	8.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
		Other:				
	6202.92.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%	
		Other:				
	6202.92.15	Water resistant	6.2%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 5.5% (AU)	37.5%	
	6202.92.20	Other	8.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	’’.

(15) By striking subheadings 6202.93.10 through 6202.93.50 and inserting the following, with the article description for subheading 6202.93.05 having the same degree of indentation as the article description for subheading 6202.93.10 (as in effect on the day before the date of the enactment of this Act):

‘‘	6202.93.05	Recreational performance outerwear	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
		Other:				
	6202.93.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 3.9% (AU)	60%	
		Other:				
	6202.93.20	Padded, sleeveless jackets	14.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	76%	
		Other:				
	6202.93.40	Containing 36 percent or more by weight of wool or fine animal hair	43.4¢/kg + 19.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	46.3¢/kg + 58.5%	
		Other:				
	6202.93.45	Water resistant	7.1%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 6.3% (AU)	65%	

	6202.93.50	Other	27.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	''.

(16) By striking subheadings 6202.99.10 and 6202.99.90 and inserting the following, with the article description for subheading 6202.99.05 having the same degree of indentation as the article description for subheading 6202.99.10 (as in effect on the day before the date of the enactment of this Act):

''	6202.99.05	Recreational performance outerwear	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
		Other:				
	6202.99.10	Containing 70 percent or more by weight of silk or silk waste	Free		35%	
	6202.99.90	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	''.

(17) By striking subheadings 6203.41 and 6203.41.05, and the superior text to subheading 6203.41.05, and inserting the following, with the article description for subheading 6203.41 having the same degree of indentation as the article description for subheading 6203.41 (as in effect on the day before the date of the enactment of this Act):

''	6203.41	Of wool or fine animal hair:				
	6203.41.05	Recreational performance outerwear	41.9¢/kg + 16.3%	Free (BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE, SG) 8% (AU) 16.7¢/kg + 6.5% (OM)	52.9¢/kg + 58.5%	
		Trousers, breeches and shorts:				
	6203.41.10	Trousers and breeches, containing elastomeric fiber, water resistant, without belt loops, weighing more than 9 kg per dozen	7.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 6.8% (AU) 3% (OM)	52.9¢/kg + 58.5%	''.

(18) By striking subheadings 6203.42.10 through 6203.42.40 and inserting the following, with the article description for subheading 6203.42.05 having the same degree of indentation as the article description for subheading 6203.42.10 (as in effect on the day before the date of the enactment of this Act):

''	6203.42.05	Recreational performance outerwear	16.6%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 8% (AU) 11.6% (KR)	90%
		Other:			
	6203.42.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%
		Other:			
	6203.42.20	Bib and brace overalls	10.3%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%

6203.42.40	Other	16.6%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 8% (AU) 11.6% (KR)	90%	''.

(19) By striking subheadings 6203.43.10 through 6203.43.40 and inserting the following, with the article description for subheading 6203.43.05 having the same degree of indentation as the article description for subheading 6203.43.10 (as in effect on the day before the date of the enactment of this Act):

''	6203.43.05	Recreational performance outerwear	27.9%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 8% (AU) 11.1% (KR)	90%	
		Other:				
	6203.43.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%	
		Other:				
		Bib and brace overalls:				
	6203.43.15	Water resistant	7.1%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 6.3% (AU)	65%	
	6203.43.20	Other	14.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	76%	
		Other:				
	6203.43.25	Certified hand-loomed and folklore products	12.2%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	76%	
		Other:				
	6203.43.30	Containing 36 percent or more by weight of wool or fine animal hair	49.6¢/kg + 19.7%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	52.9¢/kg + 58.5%	
		Other:				
	6203.43.35	Water resistant trousers or breeches	7.1%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 6.3% (AU) 2.8% (KR)	65%	
	6203.43.40	Other	27.9%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 8% (AU) 11.1% (KR)	90%	''.

(20) By striking subheadings 6203.49 through 6203.49.80 and inserting the following, with the article description for subheading 6203.49 having the same degree of indentation as the article description for subheading 6203.49 (as in effect on the day before the date of the enactment of this Act):

''	6203.49	Of other textile materials:				

6203.49.05	Recreational performance outerwear	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, MA, MX, OM, P, PA, PE, SG) 1.1% (KR)	35%	
	Other:				
	Of artificial fibers:				
6203.49.10	Bib and brace overalls	8.5%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 7.6% (AU)	76%	
	Trousers, breeches and shorts:				
6203.49.15	Certified hand-loomed and folklore products	12.2%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	76%	
6203.49.20	Other	27.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
6203.49.40	Containing 70 percent or more by weight of silk or silk waste	Free		35%	
6203.49.80	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, MA, MX, OM, P, PA, PE, SG) 1.1% (KR)	35%	''.

(21) By striking subheadings 6204.61.10 and 6204.61.90 and inserting the following, with the article description for subheading 6204.61.05 having the same degree of indentation as the article description for subheading 6204.61.10 (as in effect on the day before the date of the enactment of this Act):

''	6204.61.05	Recreational performance outerwear	13.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 5.4% (OM) 8% (AU)	58.5%	
		Other:				
	6204.61.10	Trousers and breeches, containing elastomeric fiber, water resistant, without belt loops, weighing more than 6 kg per dozen	7.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 3% (OM) 6.8% (AU)	58.5%	
	6204.61.90	Other	13.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 5.4% (OM) 8% (AU)	58.5%	''.

(22) By striking subheadings 6204.62.10 through 6204.62.40 and inserting the following, with the article description for subheading 6204.62.05 having the same degree of indentation as the article description for subheading 6204.62.10 (as in effect on the day before the date of the enactment of this Act):

‘‘	6204.62.05	Recreational performance outerwear	16.6%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 8% (AU) 11.6% (KR)	90%	
		Other:				
	6204.62.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%	
		Other:				
	6204.62.20	Bib and brace overalls	8.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
		Other:				
	6204.62.30	Certified hand-loomed and folklore products	7.1%	Free (BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 6.3% (AU)	37.5%	
	6204.62.40	Other	16.6%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 8% (AU) 11.6% (KR)	90%	’’.

(23) By striking subheadings 6204.63.10 through 6204.63.35 and inserting the following, with the article description for subheading 6204.63.05 having the same degree of indentation as the article description for subheading 6204.63.10 (as in effect on the day before the date of the enactment of this Act):

‘‘	6204.63.05	Recreational performance outerwear	28.6%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 8% (AU) 11.4% (KR)	90%	
		Other:				
	6204.63.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%	
		Other:				
		Bib and brace overalls:				
	6204.63.12	Water resistant	7.1%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 6.3% (AU)	65%	
	6204.63.15	Other	14.9%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	76%	
	6204.63.20	Certified hand-loomed and folklore products	11.3%	Free (BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	76%	
		Other:				

6204.63.25	Containing 36 percent or more by weight of wool or fine animal hair	13.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	58.5%	
	Other:				
6204.63.30	Water resistant trousers or breeches	7.1%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 6.3% (AU)	65%	
6204.63.35	Other	28.6%	Free (BH, CA, CL, CO, IL, JO, MA, MX, OM, P, PA, PE, SG) 8% (AU) 11.4% (KR)	90%	''.

(24) By striking subheadings 6204.69 through 6204.69.90 and inserting the following, with the article description for subheading 6204.69 having the same degree of indentation as the article description for subheading 6204.69 (as in effect on the day before the date of the enactment of this Act):

''	6204.69	Of other textile materials:				
	6204.69.05	Recreational performance outerwear	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
		Other:				
		Of artificial fibers:				
	6204.69.10	Bib and brace overalls	13.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	76%	
		Trousers, breeches and shorts:				
	6204.69.20	Containing 36 percent or more by weight of wool or fine animal hair ...	13.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	58.5%	
	6204.69.25	Other	28.6%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 8% (AU)	90%	
		Of silk or silk waste:				
	6204.69.40	Containing 70 percent or more by weight of silk or silk waste	1.1%	Free (AU, BH, CA, CL, CO, E, IL, J, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%	
	6204.69.60	Other	7.1%	Free (BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 6.3% (AU)	65%	

	6204.69.90	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	''.

(25) By striking subheadings 6210.40.30 and 6210.40.50 and inserting the following, with the article description for subheading 6210.40.05 having the same degree of indentation as the article description for subheading 6210.40.30 (as in effect on the day before the date of the enactment of this Act):

''	6210.40.05	Recreational performance outerwear	7.1%	Free (AU, BH, CA, CL, IL, JO, KR, MA, MX, OM, P, PE, SG)	65%	
		Other:				
	6210.40.30	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.8%	Free (AU, BH, CA, CL, IL, JO, KR, MA, MX, OM, P, PE, SG)	65%	
	6210.40.50	Other	7.1%	Free (AU, BH, CA, CL, IL, JO, KR, MA, MX, OM, P, PE, SG)	65%	''.

(26) By striking subheadings 6210.50.30 and 6210.50.50 and inserting the following, with the article description for subheading 6210.50.05 having the same degree of indentation as the article description for subheading 6210.50.30 (as in effect on the day before the date of the enactment of this Act):

''	6210.50.05	Recreational performance outerwear	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PE, SG)	65%	
		Other:				
	6210.50.30	Having an outer surface impreg- nated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.8%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PE, SG)	65%	
	6210.50.50	Other	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PE, SG)	65%	''.

(27) By striking subheading 6211.32.00 and inserting the following, with the article description for subheading 6211.32 having the same degree of indentation as the article description for subheading 6211.32.00 (as in effect on the day before the date of the enactment of this Act):

''	6211.32	Of cotton:				
	6211.32.05	Recreational performance outerwear	8.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	
	6211.32.10	Other	8.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	''.

(28) By striking subheading 6211.33.00 and inserting the following, with the article description for subheading 6211.33 having the same degree of indentation as the article description for subheading 6211.33.00 (as in effect on the day before the date of the enactment of this Act):

‘‘	6211.33	Of man-made fibers:				
	6211.33.05	Recreational performance outerwear	16%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 6.4% (OM)	76%	
	6211.33.10	Other	16%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 6.4% (OM)	76%	’’.

(29) By striking subheadings 6211.39.05 through 6211.39.90 and inserting the following, with the article description for subheading 6211.39.05 having the same degree of indentation as the article description for subheading 6211.39.05 (as in effect on the day before the date of the enactment of this Act):

‘‘	6211.39.05	Recreational performance outerwear	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
		Other:				
	6211.39.10	Of wool or fine animal hair	12%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 4.8% (OM)	58.5%	
	6211.39.20	Containing 70 percent or more by weight of silk or silk waste	0.5%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
	6211.39.90	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	’’.

(30) By striking subheading 6211.42.00 and inserting the following, with the article description for subheading 6211.42 having the same degree of indentation as the article description for subheading 6211.42.00 (as in effect on the day before the date of the enactment of this Act):

‘‘	6211.42	Of cotton:				
	6211.42.05	Recreational performance outerwear	8.1%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 7.2% (AU)	90%	
	6211.42.10	Other	8.1%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) 7.2% (AU)	90%	’’.

(31) By striking subheading 6211.43.00 and inserting the following, with the article description for subheading 6211.43 having the same degree of indentation as the article description for subheading 6211.43.00 (as in effect on the day before the date of the enactment of this Act):

‘‘	6211.43	Of man-made fibers:				

6211.43.05	Recreational performance outerwear	16%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 6.4% (OM)	90%	
6211.43.10	Other	16%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 8% (AU) 6.4% (OM)	90%	''.

(32) By striking subheadings 6211.49.10 through 6211.49.90 and inserting the following, with the article description for subheading 6211.49.05 having the same degree of indentation as the article description for subheading 6211.49.10 (as in effect on the day before the date of the enactment of this Act):

''	6211.49.05	Recreational performance outerwear	7.3%	Free (BH, CA, CL, CO, E, IL, JO, MA, MX, OM, P, PA, PE, SG) 6.5% (AU) 2.9% (KR)	35%	
		Other:				
	6211.49.10	Containing 70 percent or more by weight of silk or silk waste	1.2%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
	6211.49.41	Of wool or fine animal hair	12%	Free (BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 4.8% (OM) 8% (AU)	58.5%	
	6211.49.90	Other	7.3%	Free (BH, CA, CL, CO, E, IL, JO, MA, MX, OM, P, PA, PE, SG) 6.5% (AU) 2.9% (KR)	35%	''.

SEC. 402. DUTY TREATMENT OF SPECIALIZED ATHLETIC FOOTWEAR.

(a) DEFINITION OF SPECIALIZED ATHLETIC FOOTWEAR.—The Additional U.S. Notes to chapter 64 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following:

''6. For the purposes of this chapter, the term 'specialized athletic footwear' includes footwear (other than footwear described in Subheading Note 1 or Additional U.S. Note 2) that is designed to be worn chiefly for sports or athletic purposes, hiking shoes, trekking shoes, and trail running shoes, the foregoing valued over $24/pair and which provides protection against water that is imparted by the use of a coated or laminated textile fabric.''.

(b) DUTY TREATMENT FOR SPECIALIZED ATHLETIC FOOTWEAR.—Chapter 64 of the Harmonized Tariff Schedule of the United States is amended as follows:

(1) By inserting after subheading 6402.91.40 the following new subheading, with the article description for subheading 6402.91.42 having the same degree of indentation as the article description for subheading 6402.91.40:

''	6402.91.42	Specialized athletic footwear (except footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper and except footwear with insulation that provides protection against cold weather), whose height from the bottom of the outer sole to the top of the upper does not exceed 15.34 cm	20%	Free (AU, BH, CA, CL, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, R, SG)	35%	''.

(2) By inserting immediately preceding subheading 6402.99.33 the following new subheading, with the article description for subheading 6402.99.32 having the same degree of indentation as the article description for subheading 6402.99.33:

''	6402.99.32	Specialized athletic footwear	20%	Free (AU, BH, CA, CL, D, IL, JO, MA, MX, P) 1% (PA) 6% (OM) 6% (PE) 12% (CO) 20% (KR)	35%	''.

(c) STAGED RATE REDUCTIONS.—The staged reductions in special rates of duty proclaimed for subheading 6402.99.90 of the Harmonized Tariff Schedule of the United States before the date of the enactment of this Act shall be applied to subheading 6402.99.32 of such Schedule, as added by subsection (b)(2), beginning in calendar year 2016.

SEC. 403. EFFECTIVE DATE.

This title and the amendments made by this title shall—

(1) take effect on the 15th day after the date of the enactment of this Act; and

(2) apply to articles entered, or withdrawn from warehouse for consumption, on or after such 15th day.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. REPORT ON CONTRIBUTION OF TRADE PREFERENCE PROGRAMS TO REDUCING POVERTY AND ELIMINATING HUNGER.

Not later than one year after the date of the enactment of this Act, the President shall submit to Congress a report assessing the contribution of the trade preference programs of the United States, including the Generalized System of Preferences under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.), the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.), and the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.), to the reduction of poverty and the elimination of hunger.

TITLE VI—OFFSETS

SEC. 601. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking ''September 30, 2024'' and inserting ''July 7, 2025''.

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 125 Stat. 460) is amended by striking ''June 30, 2021'' and inserting ''June 30, 2025''.

SEC. 602. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year)—

(1) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2020 shall be increased by 5.25 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

SEC. 603. IMPROVED INFORMATION REPORTING ON UNREPORTED AND UNDERREPORTED FINANCIAL ACCOUNTS.

(a) ELIMINATION OF MINIMUM INTEREST REQUIREMENT.—

(1) IN GENERAL.—Section 6049(a) of the Internal Revenue Code of 1986 is amended by striking ''aggregating $10 or more'' each place it appears.

(2) CONFORMING AMENDMENTS.—Subparagraph (C) of section 6049(d)(5) of such Code is amended—

(A) by striking ''which involves the payment of $10 or more of interest'', and

(B) by striking ''IN THE CASE OF TRANSACTIONS INVOLVING $10 OR MORE'' in the heading.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to returns filed after December 31, 2015.

(b) REPORTING OF NON-INTEREST BEARING DEPOSITS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6049 the following new section:

''SEC. 6049A. RETURNS REGARDING NON-INTEREST BEARING DEPOSITS.

''(a) REQUIREMENT OF REPORTING.—Every person who holds a reportable deposit during any calendar year shall make a return according to the forms or regulations prescribed by the Secretary, setting forth the name and address of the person for whom such deposit was held.

''(b) REPORTABLE DEPOSIT.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable deposit' means—

''(A) any amount on deposit with—

''(i) a person carrying on a banking business,

''(ii) a mutual savings bank, a savings and loan association, a building and loan association, a cooperative bank, a homestead association, a credit union, an industrial loan association or bank, or any similar organization,

''(iii) a broker (as defined in section 6045(c)), or

''(iv) any other person provided in regulations prescribed by the Secretary, or

''(B) to the extent provided by the Secretary in regulations, any amount held by an insurance company, an investment company (as defined in section 3 of the Investment Company Act of 1940), or held in other pooled funds or trusts.

''(2) EXCEPTIONS.—Such term shall not include—

''(A) any amount with respect to which a report is made under section 6049,

''(B) any amount on deposit with or held by a natural person,

''(C) except to the extent provided in regulations, any amount—

''(i) held with respect to a person described in section 6049(b)(4),

''(ii) with respect to which section 6049(b)(5) would apply if a payment were made with respect to such amount, or

''(iii) on deposit with or held by a person described in section 6049(b)(2)(C), or

''(D) any amount for which the Secretary determines there is already sufficient reporting.

''(c) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—

''(1) IN GENERAL.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

''(A) the name, address, and phone number of the information contact of the person required to make such return, and

''(B) the reportable account with respect to which such return was made.

''(2) TIME AND FORM OF STATEMENT.—The written statement under paragraph (1)—

''(A) shall be furnished at a time and in a manner similar to the time and manner that statements are required to be filed under section 6049(c)(2), and

''(B) shall be in such form as the Secretary may prescribe by regulations.

''(d) PERSON.—For purposes of this section, the term 'person', when referring to the person for whom a deposit is held, includes any governmental unit and any agency or instrumentality thereof and any international organization and any agency or instrumentality thereof.''.

(2) ASSESSABLE PENALTIES.—

(A) FAILURE TO FILE RETURN.—Subparagraph (B) of section 6724(d)(1) of such Code is amended by striking ''or'' at the end of clause (xxiv), by striking ''and'' at the end of clause (xxv) and inserting ''or'', and by inserting after clause (xxv) the following new clause:

''(xxvi) section 6049A(a) (relating to returns regarding non-interest bearing deposits), and''.

(B) FAILURE TO FILE PAYEE STATEMENT.—Paragraph (2) of section 6724(d) of such Code is amended by striking ''or'' at the end of subparagraph (GG), by striking the period at the end of subparagraph (HH) and inserting '', or'', and by inserting after subparagraph (HH) the following new subparagraph:

''(II) section 6049A(c) (relating to returns regarding non-interest bearing deposits).''.

(3) CLERICAL AMENDMENT.—The table of section for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6049 the following new item:

''Sec. 6049A. Returns regarding non-interest bearing deposits.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to returns filed after December 31, 2015.

SA 1224. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 644, to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Trade Facilitation and Trade Enforcement Act of 2015''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—TRADE FACILITATION AND TRADE ENFORCEMENT

Sec. 101. Improving partnership programs.
Sec. 102. Report on effectiveness of trade enforcement activities.
Sec. 103. Priorities and performance standards for customs modernization, trade facilitation, and trade enforcement functions and programs.

Sec. 104. Educational seminars to improve efforts to classify and appraise imported articles, to improve trade enforcement efforts, and to otherwise facilitate legitimate international trade.
Sec. 105. Joint strategic plan.
Sec. 106. Automated Commercial Environment.
Sec. 107. International Trade Data System.
Sec. 108. Consultations with respect to mutual recognition arrangements.
Sec. 109. Commercial Customs Operations Advisory Committee.
Sec. 110. Centers of Excellence and Expertise.
Sec. 111. Commercial Targeting Division and National Targeting and Analysis Groups.
Sec. 112. Report on oversight of revenue protection and enforcement measures.
Sec. 113. Report on security and revenue measures with respect to merchandise transported in bond.
Sec. 114. Importer of record program.
Sec. 115. Establishment of new importer program.

TITLE II—IMPORT HEALTH AND SAFETY

Sec. 201. Interagency import safety working group.
Sec. 202. Joint import safety rapid response plan.
Sec. 203. Training.

TITLE III—IMPORT-RELATED PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

Sec. 301. Definition of intellectual property rights.
Sec. 302. Exchange of information related to trade enforcement.
Sec. 303. Seizure of circumvention devices.
Sec. 304. Enforcement by U.S. Customs and Border Protection of works for which copyright registration is pending.
Sec. 305. National Intellectual Property Rights Coordination Center.
Sec. 306. Joint strategic plan for the enforcement of intellectual property rights.
Sec. 307. Personnel dedicated to the enforcement of intellectual property rights.
Sec. 308. Training with respect to the enforcement of intellectual property rights.
Sec. 309. International cooperation and information sharing.
Sec. 310. Report on intellectual property rights enforcement.
Sec. 311. Information for travelers regarding violations of intellectual property rights.

TITLE IV—EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS

Sec. 401. Short title.
Sec. 402. Procedures for investigating claims of evasion of antidumping and countervailing duty orders.
Sec. 403. Annual report on prevention and investigation of evasion of antidumping and countervailing duty orders.

TITLE V—AMENDMENTS TO ANTIDUMPING AND COUNTERVAILING DUTY LAWS

Sec. 501. Consequences of failure to cooperate with a request for information in a proceeding.
Sec. 502. Definition of material injury.
Sec. 503. Particular market situation.
Sec. 504. Distortion of prices or costs.
Sec. 505. Reduction in burden on Department of Commerce by reducing the number of voluntary respondents.
Sec. 506. Application to Canada and Mexico.

TITLE VI—ADDITIONAL TRADE ENFORCEMENT AND INTELLECTUAL PROPERTY RIGHTS PROTECTION

Subtitle A—Trade Enforcement

Sec. 601. Trade enforcement priorities.
Sec. 602. Exercise of WTO authorization to suspend concessions or other obligations under trade agreements.
Sec. 603. Trade monitoring.
Sec. 604. Establishment of Interagency Trade Enforcement Center.
Sec. 605. Establishment of Chief Manufacturing Negotiator.
Sec. 606. Enforcement under title III of the Trade Act of 1974 with respect to certain acts, policies, and practices relating to the environment.
Sec. 607. Trade Enforcement Trust Fund.
Sec. 608. Honey transshipment.
Sec. 609. Inclusion of interest in certain distributions of antidumping duties and countervailing duties.
Sec. 610. Illicitly imported, exported, or trafficked cultural property, archaeological or ethnological materials, and fish, wildlife, and plants.

Subtitle B—Intellectual Property Rights Protection

Sec. 611. Establishment of Chief Innovation and Intellectual Property Negotiator.
Sec. 612. Measures relating to countries that deny adequate protection for intellectual property rights.

TITLE VII—CURRENCY MANIPULATION

Subtitle A—Investigation of Currency Undervaluation

Sec. 701. Short title.
Sec. 702. Investigation or review of currency undervaluation under countervailing duty law.
Sec. 703. Benefit calculation methodology with respect to currency undervaluation.
Sec. 704. Modification of definition of specificity with respect to export subsidy.
Sec. 705. Application to Canada and Mexico.
Sec. 706. Effective date.

Subtitle B—Engagement on Currency Exchange Rate and Economic Policies

Sec. 711. Enhancement of engagement on currency exchange rate and economic policies with certain major trading partners of the United States.
Sec. 712. Advisory Committee on International Exchange Rate Policy.

TITLE VIII—PROCESS FOR CONSIDERATION OF TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS

Sec. 801. Short title.
Sec. 802. Sense of Congress on the need for a miscellaneous tariff bill.
Sec. 803. Process for consideration of duty suspensions and reductions.
Sec. 804. Report on effects of duty suspensions and reductions on United States economy.
Sec. 805. Judicial review precluded.
Sec. 806. Definitions.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. De minimis value.
Sec. 902. Consultation on trade and customs revenue functions.
Sec. 903. Penalties for customs brokers.
Sec. 904. Amendments to chapter 98 of the Harmonized Tariff Schedule of the United States.
Sec. 905. Exemption from duty of residue of bulk cargo contained in instruments of international traffic previously exported from the United States.
Sec. 906. Drawback and refunds.
Sec. 907. Inclusion of certain information in submission of nomination for appointment as Deputy United States Trade Representative.
Sec. 908. Biennial reports regarding competitiveness issues facing the United States economy and competitive conditions for certain key United States industries.
Sec. 909. Report on certain U.S. Customs and Border Protection agreements.
Sec. 910. Charter flights.
Sec. 911. Amendment to Tariff Act of 1930 to require country of origin marking of certain castings.
Sec. 912. Elimination of consumptive demand exception to prohibition on importation of goods made with convict labor, forced labor, or indentured labor; report.
Sec. 913. Improved collection and use of labor market information.
Sec. 914. Statements of policy with respect to Israel.

TITLE X—OFFSETS

Sec. 1001. Revocation or denial of passport in case of certain unpaid taxes.
Sec. 1002. Customs user fees.

SEC. 2. DEFINITIONS.

In this Act:

(1) AUTOMATED COMMERCIAL ENVIRONMENT.—The term ''Automated Commercial Environment'' means the Automated Commercial Environment computer system authorized under section 13031(f)(4) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)).

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner responsible for U.S. Customs and Border Protection.

(3) CUSTOMS AND TRADE LAWS OF THE UNITED STATES.—The term ''customs and trade laws of the United States'' includes the following:

(A) The Tariff Act of 1930 (19 U.S.C. 1202 et seq.).

(B) Section 249 of the Revised Statutes (19 U.S.C. 3).

(C) Section 2 of the Act of March 4, 1923 (42 Stat. 1453, chapter 251; 19 U.S.C. 6).

(D) The Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 et seq.).

(E) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c).

(F) Section 251 of the Revised Statutes (19 U.S.C. 66).

(G) Section 1 of the Act of June 26, 1930 (46 Stat. 817, chapter 617; 19 U.S.C. 68).

(H) The Foreign Trade Zones Act (19 U.S.C. 81a et seq.).

(I) Section 1 of the Act of March 2, 1911 (36 Stat. 965, chapter 191; 19 U.S.C. 198).

(J) The Trade Act of 1974 (19 U.S.C. 2102 et seq.).

(K) The Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.).

(L) The North American Free Trade Agreement Implementation Act (19 U.S.C. 3301 et seq.).

(M) The Uruguay Round Agreements Act (19 U.S.C. 3501 et seq.).

(N) The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.).

(O) The Andean Trade Preference Act (19 U.S.C. 3201 et seq.).

(P) The African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(Q) The Customs Enforcement Act of 1986 (Public Law 99–570; 100 Stat. 3207–79).

(R) The Customs and Trade Act of 1990 (Public Law 101–382; 104 Stat. 629).

(S) The Customs Procedural Reform and Simplification Act of 1978 (Public Law 95–410; 92 Stat. 888).

(T) The Trade Act of 2002 (Public Law 107–210; 116 Stat. 933).

(U) The Convention on Cultural Property Implementation Act (19 U.S.C. 2601 et seq.).

(V) The Act of March 28, 1928 (45 Stat. 374, chapter 266; 19 U.S.C. 2077 et seq.).

(W) The Act of August 7, 1939 (53 Stat. 1263, chapter 566).

(X) Any other provision of law implementing a trade agreement.

(Y) Any other provision of law vesting customs revenue functions in the Secretary of the Treasury.

(Z) Any other provision of law relating to trade facilitation or trade enforcement that is administered by U.S. Customs and Border Protection on behalf of any Federal agency that is required to participate in the International Trade Data System.

(AA) Any other provision of customs or trade law administered by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

(4) PRIVATE SECTOR ENTITY.—The term ''private sector entity'' means—

(A) an importer;

(B) an exporter;

(C) a forwarder;

(D) an air, sea, or land carrier or shipper;

(E) a contract logistics provider;

(F) a customs broker; or

(G) any other person (other than an employee of a government) affected by the implementation of the customs and trade laws of the United States.

(5) TRADE ENFORCEMENT.—The term ''trade enforcement'' means the enforcement of the customs and trade laws of the United States.

(6) TRADE FACILITATION.—The term ''trade facilitation'' refers to policies and activities of U.S. Customs and Border Protection with respect to facilitating the movement of merchandise into and out of the United States in a manner that complies with the customs and trade laws of the United States.

TITLE I—TRADE FACILITATION AND TRADE ENFORCEMENT

SEC. 101. IMPROVING PARTNERSHIP PROGRAMS.

(a) IN GENERAL.—In order to advance the security, trade enforcement, and trade facilitation missions of U.S. Customs and Border Protection, the Commissioner shall ensure that partnership programs of U.S. Customs and Border Protection established before the date of the enactment of this Act, such as the Customs-Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.), and partnership programs of U.S. Customs and Border Protection established after such date of enactment, provide trade benefits to private sector entities that meet the requirements for participation in those programs established by the Commissioner under this section.

(b) ELEMENTS.—In developing and operating partnership programs under subsection (a), the Commissioner shall—

(1) consult with private sector entities, the public, and other Federal agencies when appropriate, to ensure that participants in those programs receive commercially significant and measurable trade benefits, including providing preclearance of merchandise for qualified persons that demonstrate the highest levels of compliance with the customs and trade laws of the United States, regulations of U.S. Customs and Border Protection, and other requirements the Commissioner determines to be necessary;

(2) ensure an integrated and transparent system of trade benefits and compliance requirements for all partnership programs of U.S. Customs and Border Protection;

(3) consider consolidating partnership programs in situations in which doing so would support the objectives of such programs, increase participation in such programs, enhance the trade benefits provided to participants in such programs, and enhance the allocation of the resources of U.S. Customs and Border Protection;

(4) coordinate with the Director of U.S. Immigration and Customs Enforcement, and other Federal agencies with authority to detain and release merchandise entering the United States—

(A) to ensure coordination in the release of such merchandise through the Automated Commercial Environment, or its predecessor, and the International Trade Data System;

(B) to ensure that the partnership programs of those agencies are compatible with the partnership programs of U.S. Customs and Border Protection;

(C) to develop criteria for authorizing the release, on an expedited basis, of merchandise for which documentation is required from one or more of those agencies to clear or license the merchandise for entry into the United States; and

(D) to create pathways, within and among the appropriate Federal agencies, for qualified persons that demonstrate the highest levels of compliance to receive immediate clearance absent information that a transaction may pose a national security or compliance threat; and

(5) ensure that trade benefits are provided to participants in partnership programs.

(c) REPORT REQUIRED.—Not later than the date that is 180 days after the date of the enactment of this Act, and December 31 of each year thereafter, the Commissioner shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

(1) identifies each partnership program referred to in subsection (a);

(2) for each such program, identifies—

(A) the requirements for participants in the program;

(B) the commercially significant and measurable trade benefits provided to participants in the program;

(C) the number of participants in the program; and

(D) in the case of a program that provides for participation at multiple tiers, the number of participants at each such tier;

(3) identifies the number of participants enrolled in more than one such partnership program;

(4) assesses the effectiveness of each such partnership program in advancing the security, trade enforcement, and trade facilitation missions of U.S. Customs and Border Protection, based on historical developments, the level of participation in the program, and the evolution of benefits provided to participants in the program;

(5) summarizes the efforts of U.S. Customs and Border Protection to work with other Federal agencies with authority to detain and release merchandise entering the United States to ensure that partnership programs of those agencies are compatible with partnership programs of U.S. Customs and Border Protection;

(6) summarizes criteria developed with those agencies for authorizing the release, on an expedited basis, of merchandise for which documentation is required from one or more of those agencies to clear or license the merchandise for entry into the United States;

(7) summarizes the efforts of U.S. Customs and Border Protection to work with private sector entities and the public to develop and improve partnership programs referred to in subsection (a);

(8) describes measures taken by U.S. Customs and Border Protection to make private sector entities aware of the trade benefits available to participants in such programs; and

(9) summarizes the plans, targets, and goals of U.S. Customs and Border Protection with respect to such programs for the 2 years following the submission of the report.

SEC. 102. REPORT ON EFFECTIVENESS OF TRADE ENFORCEMENT ACTIVITIES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the effectiveness of trade enforcement activities of U.S. Customs and Border Protection.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) a description of the use of resources, results of audits and verifications, targeting, organization, and training of personnel of U.S. Customs and Border Protection;

(2) a description of trade enforcement activities to address undervaluation, transshipment, legitimacy of entities making entry, protection of revenues, fraud prevention and detection, and penalties, including intentional misclassification, inadequate bonding, and other misrepresentations; and

(3) a description of trade enforcement activities with respect to the priority trade issues described in paragraph (3)(B)(ii) of section 2(d) of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072(d)), as added by section 111(a) of this Act, including—

(A) methodologies used in such enforcement activities, such as targeting;

(B) recommendations for improving such enforcement activities; and

(C) a description of the implementation of previous recommendations for improving such enforcement activities.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 103. PRIORITIES AND PERFORMANCE STANDARDS FOR CUSTOMS MODERNIZATION, TRADE FACILITATION, AND TRADE ENFORCEMENT FUNCTIONS AND PROGRAMS.

(a) PRIORITIES AND PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The Commissioner, in consultation with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, shall establish priorities and performance standards to measure the development and levels of achievement of the customs modernization, trade facilitation, and trade enforcement functions and programs described in subsection (b).

(2) MINIMUM PRIORITIES AND STANDARDS.—Such priorities and performance standards shall, at a minimum, include priorities and standards relating to efficiency, outcome, output, and other types of applicable measures.

(b) FUNCTIONS AND PROGRAMS DESCRIBED.—The functions and programs referred to in subsection (a) are the following:

(1) The Automated Commercial Environment.

(2) Each of the priority trade issues described in paragraph (3)(B)(ii) of section 2(d) of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072(d)), as added by section 111(a) of this Act.

(3) The Centers of Excellence and Expertise described in section 110 of this Act.

(4) Drawback for exported merchandise under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313), as amended by section 906 of this Act.

(5) Transactions relating to imported merchandise in bond.

(6) Collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

(7) The expedited clearance of cargo.

(8) The issuance of regulations and rulings.

(9) The issuance of Regulatory Audit Reports.

(c) CONSULTATIONS AND NOTIFICATION.—

(1) CONSULTATIONS.—The consultations required by subsection (a)(1) shall occur, at a minimum, on an annual basis.

(2) NOTIFICATION.—The Commissioner shall notify the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of any changes to the priorities referred to in subsection (a) not later than 30 days before such changes are to take effect.

SEC. 104. EDUCATIONAL SEMINARS TO IMPROVE EFFORTS TO CLASSIFY AND APPRAISE IMPORTED ARTICLES, TO IMPROVE TRADE ENFORCEMENT EFFORTS, AND TO OTHERWISE FACILITATE LEGITIMATE INTERNATIONAL TRADE.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Commissioner and the Director shall establish and carry out on a fiscal year basis educational seminars to—

(A) improve the ability of U.S. Customs and Border Protection personnel to classify and appraise articles imported into the United States in accordance with the customs and trade laws of the United States;

(B) improve the trade enforcement efforts of U.S. Customs and Border Protection personnel and U.S. Immigration and Customs Enforcement personnel; and

(C) otherwise improve the ability and effectiveness of U.S. Customs and Border Protection personnel and U.S. Immigration and Customs Enforcement personnel to facilitate legitimate international trade.

(b) CONTENT.—

(1) CLASSIFYING AND APPRAISING IMPORTED ARTICLES.—In carrying out subsection (a)(1)(A), the Commissioner, the Director, and interested parties in the private sector selected under subsection (c) shall provide instruction and related instructional materials at each educational seminar under this section to U.S. Customs and Border Protection personnel and, as appropriate, to U.S. Immigration and Customs Enforcement personnel on the following:

(A) Conducting a physical inspection of an article imported into the United States, including testing of samples of the article, to determine if the article is mislabeled in the manifest or other accompanying documentation.

(B) Reviewing the manifest and other accompanying documentation of an article imported into the United States to determine if the country of origin of the article listed in the manifest or other accompanying documentation is accurate.

(C) Customs valuation.

(D) Industry supply chains and other related matters as determined to be appropriate by the Commissioner.

(2) TRADE ENFORCEMENT EFFORTS.—In carrying out subsection (a)(1)(B), the Commissioner, the Director, and interested parties in the private sector selected under subsection (c) shall provide instruction and related instructional materials at each educational seminar under this section to U.S. Customs and Border Protection personnel and, as appropriate, to U.S. Immigration and Customs Enforcement personnel to identify opportunities to enhance enforcement of the following:

(A) Collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

(B) Addressing evasion of duties on imports of textiles.

(C) Protection of intellectual property rights.

(D) Enforcement of child labor laws.

(3) APPROVAL OF COMMISSIONER AND DIRECTOR.—The instruction and related instructional materials at each educational seminar under this section shall be subject to the approval of the Commissioner and the Director.

(c) SELECTION PROCESS.—

(1) IN GENERAL.—The Commissioner shall establish a process to solicit, evaluate, and select interested parties in the private sector for purposes of assisting in providing instruction and related instructional materials described in subsection (b) at each educational seminar under this section.

(2) CRITERIA.—The Commissioner shall evaluate and select interested parties in the private sector under the process established under paragraph (1) based on—

(A) availability and usefulness;

(B) the volume, value, and incidence of mislabeling or misidentification of origin of imported articles; and

(C) other appropriate criteria established by the Commissioner.

(3) PUBLIC AVAILABILITY.—The Commissioner and the Director shall publish in the Federal Register a detailed description of the process established under paragraph (1) and the criteria established under paragraph (2).

(d) SPECIAL RULE FOR ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—

(1) IN GENERAL.—The Commissioner shall give due consideration to carrying out an educational seminar under this section in whole or in part to improve the ability of U.S. Customs and Border Protection personnel to enforce a countervailing or antidumping duty order issued under section 706 or 736 of the Tariff Act of 1930 (19 U.S.C. 1671e or 1673e) upon the request of a petitioner in an action underlying such countervailing or antidumping duty order.

(2) INTERESTED PARTY.—A petitioner described in paragraph (1) shall be treated as an interested party in the private sector for purposes of the requirements of this section.

(e) PERFORMANCE STANDARDS.—The Commissioner and the Director shall establish performance standards to measure the development and level of achievement of educational seminars under this section.

(f) REPORTING.—Beginning September 30, 2016, the Commissioner and the Director shall submit to the Committee of Finance of the Senate and the Committee of Ways and Means of the House of Representatives an annual report on the effectiveness of educational seminars under this section.

(g) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of U.S. Immigration and Customs Enforcement.

(2) UNITED STATES.—The term ''United States'' means the customs territory of the United States, as defined in General Note 2 to the Harmonized Tariff Schedule of the United States.

(3) U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.—The term ''U.S. Customs and Border Protection personnel'' means import specialists, auditors, and other appropriate employees of U.S. Customs and Border Protection.

(4) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—The term ''U.S. Immigration and Customs Enforcement personnel'' means Homeland Security Investigations Directorate personnel and other appropriate employees of U.S. Immigration and Customs Enforcement.

SEC. 105. JOINT STRATEGIC PLAN.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and every 2 years thereafter, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall jointly develop and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, a joint strategic plan.

(b) CONTENTS.—The joint strategic plan required under this section shall be comprised of a comprehensive multi-year plan for trade enforcement and trade facilitation, and shall include—

(1) a summary of actions taken during the 2-year period preceding the submission of the plan to improve trade enforcement and trade facilitation, including a description and analysis of specific performance measures to evaluate the progress of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement in meeting each such responsibility;

(2) a statement of objectives and plans for further improving trade enforcement and trade facilitation;

(3) a specific identification of the priority trade issues described in paragraph (3)(B)(ii) of section 2(d) of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072(d)), as added by section 111(a) of this Act, that can be addressed in order to enhance trade enforcement and trade facilitation, and a description of strategies and plans for addressing each such issue, including—

(A) a description of the targeting methodologies used for enforcement activities with respect to each such issue;

(B) recommendations for improving such enforcement activities; and

(C) a description of the implementation of previous recommendations for improving such enforcement activities;

(4) a description of efforts made to improve consultation and coordination among and within Federal agencies, and in particular between U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, regarding trade enforcement and trade facilitation;

(5) a description of the training that has occurred to date within U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to improve trade enforcement and trade facilitation, including training under section 104 of this Act;

(6) a description of efforts to work with the World Customs Organization and other international organizations, in consultation with other Federal agencies as appropriate, with respect to enhancing trade enforcement and trade facilitation;

(7) a description of U.S. Customs and Border Protection organizational benchmarks for optimizing staffing and wait times at ports of entry;

(8) a specific identification of any domestic or international best practices that may further improve trade enforcement and trade facilitation;

(9) any legislative recommendations to further improve trade enforcement and trade facilitation; and

(10) a description of efforts made to improve consultation and coordination with the private sector to enhance trade enforcement and trade facilitation.

(c) CONSULTATIONS.—

(1) IN GENERAL.—In developing the joint strategic plan required under this section, the Commissioner and the Director shall consult with—

(A) appropriate officials from the relevant Federal agencies, including—

(i) the Department of the Treasury;
(ii) the Department of Agriculture;
(iii) the Department of Commerce;
(iv) the Department of Justice;
(v) the Department of the Interior;
(vi) the Department of Health and Human Services;
(vii) the Food and Drug Administration;
(viii) the Consumer Product Safety Commission; and
(ix) the Office of the United States Trade Representative; and
(B) the Commercial Customs Operations Advisory Committee established by section 109 of this Act.

(2) OTHER CONSULTATIONS.—In developing the joint strategic plan required under this section, the Commissioner and the Director shall seek to consult with—

(A) appropriate officials from relevant foreign law enforcement agencies and international organizations, including the World Customs Organization; and

(B) interested parties in the private sector.

(d) FORM OF PLAN.—The plan required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 106. AUTOMATED COMMERCIAL ENVIRONMENT.

(a) FUNDING.—Section 13031(f)(4)(B) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)(B)) is amended—

(1) by striking ''2003 through 2005'' and inserting ''2016 through 2018'';

(2) by striking ''such amounts as are available in that Account'' and inserting ''not less than $153,736,000''; and

(3) by striking ''for the development'' and inserting ''to complete the development and implementation''.

(b) REPORT.—Section 311(b)(3) of the Customs Border Security Act of 2002 (19 U.S.C. 2075 note) is amended to read as follows:

''(3) REPORT.—

''(A) IN GENERAL.—Not later than December 31, 2016, the Commissioner responsible for U.S. Customs and Border Protection shall submit to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives a report detailing—

''(i) U.S. Customs and Border Protection's incorporation of all core trade processing capabilities, including cargo release, entry summary, cargo manifest, cargo financial data, and export data elements into the Automated Commercial Environment computer system authorized under section 13031(f)(4) of the Consolidated Omnibus Budget and Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)) not later than September 30, 2016, to conform with the admissibility criteria of agencies participating in the International Trade Data System identified pursuant to section 411(d)(4)(A)(iii) of the Tariff Act of 1930;

''(ii) U.S. Customs and Border Protection's remaining priorities for processing entry summary data elements, cargo manifest data elements, cargo financial data elements, and export elements in the Automated Commercial Environment computer system, and the objectives and plans for implementing these remaining priorities;

''(iii) the components of the National Customs Automation Program specified in subsection (a)(2) of section 411 of the Tariff Act of 1930 that have not been implemented; and

''(iv) any additional components of the National Customs Automation Program initiated by the Commissioner to complete the development, establishment, and implementation of the Automated Commercial Environment computer system.

''(B) UPDATE OF REPORTS.—Not later than September 30, 2017, the Commissioner shall submit to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives an updated report addressing each of the matters referred to in subparagraph (A), and—

''(i) evaluating the effectiveness of the implementation of the Automated Commercial Environment computer system; and

''(ii) detailing the percentage of trade processed in the Automated Commercial Environment every month since September 30, 2016.''.

(c) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than December 31, 2017, the Comptroller General of the United States shall submit to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives a report—

(1) assessing the progress of other Federal agencies in accessing and utilizing the Automated Commercial Environment; and

(2) assessing the potential cost savings to the United States Government and importers and exporters and the potential benefits to enforcement of the customs and trade laws of the United States if the elements identified in clauses (i) through (iv) of section 311(b)(3)(A) of the Customs Border Security Act of 2002, as amended by subsection (b) of this section, are implemented.

SEC. 107. INTERNATIONAL TRADE DATA SYSTEM.

(a) INFORMATION TECHNOLOGY INFRASTRUCTURE.—Section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (3) the following:

''(4) INFORMATION TECHNOLOGY INFRASTRUCTURE.—

''(A) IN GENERAL.—The Secretary shall work with the head of each agency participating in the ITDS and the Interagency Steering Committee to ensure that each agency—

''(i) develops and maintains the necessary information technology infrastructure to support the operation of the ITDS and to submit all data to the ITDS electronically;

''(ii) enters into a memorandum of understanding, or takes such other action as is necessary, to provide for the information sharing between the agency and U.S. Customs and Border Protection necessary for the operation and maintenance of the ITDS;

''(iii) not later than June 30, 2016, identifies and transmits to the Commissioner responsible for U.S. Customs and Border Protection the admissibility criteria and data elements required by the agency to authorize the release of cargo by U.S. Customs and Border Protection for incorporation into the operational functionality of the Automated Commercial Environment computer system authorized under section 13031(f)(4) of the Consolidated Omnibus Budget and Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)); and

''(iv) not later than December 31, 2016, utilizes the ITDS as the primary means of receiving from users the standard set of data and other relevant documentation, exclusive of applications for permits, licenses, or certifications required for the release of imported cargo and clearance of cargo for export.

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require any action to be taken that would compromise an ongoing law enforcement investigation or national security.''; and

(3) in paragraph (8), as redesignated, by striking ''section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note)'' and inserting ''section 109 of the Trade Facilitation and Trade Enforcement Act of 2015''.

SEC. 108. CONSULTATIONS WITH RESPECT TO MUTUAL RECOGNITION ARRANGEMENTS.

(a) CONSULTATIONS.—The Secretary of Homeland Security, with respect to any proposed mutual recognition arrangement or similar agreement between the United States and a foreign government providing for mutual recognition of supply chain security programs and customs revenue functions, shall consult—

(1) not later than 30 days before initiating negotiations to enter into any such arrangement or similar agreement, with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives; and

(2) not later than 30 days before entering into any such arrangement or similar agreement, with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(b) NEGOTIATING OBJECTIVE.—It shall be a negotiating objective of the United States in any negotiation for a mutual recognition arrangement with a foreign country on partnership programs, such as the Customs-Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.), to seek to ensure the compatibility of the partnership programs of that country with the partnership programs of U.S. Customs and Border Protection to enhance trade facilitation and trade enforcement.

SEC. 109. COMMERCIAL CUSTOMS OPERATIONS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than the date that is 60 days after the date of the enactment of this Act, the Secretary of the Treasury and the Secretary of Homeland Security shall jointly establish a Commercial Customs Operations Advisory Committee (in this section referred to as the ''Advisory Committee'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee shall be comprised of—

(A) 20 individuals appointed under paragraph (2);

(B) the Assistant Secretary for Tax Policy of the Department of the Treasury and the Commissioner, who shall jointly co-chair meetings of the Advisory Committee; and

(C) the Assistant Secretary for Policy and the Director of U.S. Immigration and Customs Enforcement of the Department of Homeland Security, who shall serve as deputy co-chairs of meetings of the Advisory Committee.

(2) APPOINTMENT.—

(A) IN GENERAL.—The Secretary of the Treasury and the Secretary of Homeland Security shall jointly appoint 20 individuals from the private sector to the Advisory Committee.

(B) REQUIREMENTS.—In making appointments under subparagraph (A), the Secretary of the Treasury and the Secretary of Homeland Security shall appoint members—

(i) to ensure that the membership of the Advisory Committee is representative of the individuals and firms affected by the commercial operations of U.S. Customs and Border Protection; and

(ii) without regard to political affiliation.

(C) TERMS.—Each individual appointed to the Advisory Committee under this paragraph shall be appointed for a term of not more than 3 years, and may be reappointed to subsequent terms, but may not serve more than 2 terms sequentially.

(3) TRANSFER OF MEMBERSHIP.—The Secretary of the Treasury and the Secretary of Homeland Security may transfer members serving on the Advisory Committee on Commercial Operations of the United States Customs Service established under section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) on the day before the date of the enactment of this Act to the Advisory Committee established under subsection (a).

(c) DUTIES.—The Advisory Committee established under subsection (a) shall—

(1) advise the Secretary of the Treasury and the Secretary of Homeland Security on all matters involving the commercial operations of U.S. Customs and Border Protection, including advising with respect to significant changes that are proposed with respect to regulations, policies, or practices of U.S. Customs and Border Protection;

(2) provide recommendations to the Secretary of the Treasury and the Secretary of Homeland Security on improvements to the commercial operations of U.S. Customs and Border Protection;

(3) collaborate in developing the agenda for Advisory Committee meetings; and

(4) perform such other functions relating to the commercial operations of U.S. Customs and Border Protection as prescribed by law or as the Secretary of the Treasury and the Secretary of Homeland Security jointly direct.

(d) MEETINGS.—

(1) IN GENERAL.—The Advisory Committee shall meet at the call of the Secretary of the Treasury and the Secretary of Homeland Security, or at the call of not less than two-thirds of the membership of the Advisory Committee. The Advisory Committee shall meet at least 4 times each calendar year.

(2) OPEN MEETINGS.—Notwithstanding section 10(a) of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee meetings shall be open to the public unless the Secretary of the Treasury or the Secretary of Homeland Security determines that the meeting will include matters the disclosure of which would compromise the development of policies, priorities, or negotiating objectives or positions that could impact the commercial operations of U.S. Customs and Border Protection or the operations or investigations of U.S. Immigration and Customs Enforcement.

(e) ANNUAL REPORT.—Not later than December 31, 2016, and annually thereafter, the Advisory Committee shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

(1) describes the activities of the Advisory Committee during the preceding fiscal year; and

(2) sets forth any recommendations of the Advisory Committee regarding the commercial operations of U.S. Customs and Border Protection.

(f) TERMINATION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Advisory Committee.

(g) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Effective on the date on which the Advisory Committee is established under subsection (a), section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) is repealed.

(2) REFERENCE.—Any reference in law to the Advisory Committee on Commercial Operations of the United States Customs Service established under section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) made on or after the date on which the Advisory Committee is established under subsection (a), shall be deemed a reference to the Commercial Customs Operations Advisory Committee established under subsection (a).

SEC. 110. CENTERS OF EXCELLENCE AND EXPERTISE.

(a) IN GENERAL.—The Commissioner shall, in consultation with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Commercial Customs Operations Advisory Committee established by section 109 of this Act, develop and implement Centers of Excellence and Expertise throughout U.S. Customs and Border Protection that—

(1) enhance the economic competitiveness of the United States by consistently enforcing the laws and regulations of the United States at all ports of entry of the United States and by facilitating the flow of legitimate trade through increasing industry-based knowledge;

(2) improve enforcement efforts, including enforcement of priority trade issues described in subparagraph (B)(ii) of section 2(d)(3) of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072(d)), as added by section 111(a) of this Act, in specific industry sectors through the application of targeting information from the Commercial Targeting Division established under subparagraph (A) of such section 2(d)(3) and from other means of verification;

(3) build upon the expertise of U.S. Customs and Border Protection in particular industry operations, supply chains, and compliance requirements;

(4) promote the uniform implementation at each port of entry of the United States of policies and regulations relating to imports;

(5) centralize the trade enforcement and trade facilitation efforts of U.S. Customs and Border Protection;

(6) formalize an account-based approach to apply, as the Commissioner determines appropriate, to the importation of merchandise into the United States;

(7) foster partnerships though the expansion of trade programs and other trusted partner programs;

(8) develop applicable performance measurements to meet internal efficiency and effectiveness goals; and

(9) whenever feasible, facilitate a more efficient flow of information between Federal agencies.

(b) REPORT.—Not later than December 31, 2016, the Commissioner shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report describing—

(1) the scope, functions, and structure of each Center of Excellence and Expertise developed and implemented under subsection (a);

(2) the effectiveness of each such Center of Excellence and Expertise in improving enforcement efforts, including enforcement of priority trade issues, and facilitating legitimate trade;

(3) the quantitative and qualitative benefits of each such Center of Excellence and Expertise to the trade community, including through fostering partnerships through the expansion of trade programs such as the Importer Self Assessment program and other trusted partner programs;

(4) all applicable performance measurements with respect to each such Center of Excellence and Expertise, including performance measures with respect to meeting internal efficiency and effectiveness goals;

(5) the performance of each such Center of Excellence and Expertise in increasing the accuracy and completeness of data with respect to international trade and facilitating a more efficient flow of information between Federal agencies; and

(6) any planned changes in the number, scope, functions or any other aspect of the Centers of Excellence and Expertise developed and implemented under subsection (a).

SEC. 111. COMMERCIAL TARGETING DIVISION AND NATIONAL TARGETING AND ANALYSIS GROUPS.

(a) IN GENERAL.—Section 2(d) of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072(d)) is amended by adding at the end the following:

''(3) COMMERCIAL TARGETING DIVISION AND NATIONAL TARGETING AND ANALYSIS GROUPS.—

''(A) ESTABLISHMENT OF COMMERCIAL TARGETING DIVISION.—

''(i) IN GENERAL.—The Secretary of Homeland Security shall establish and maintain within the Office of International Trade a Commercial Targeting Division.

''(ii) COMPOSITION.—The Commercial Targeting Division shall be composed of—

''(I) headquarters personnel led by an Executive Director, who shall report to the Assistant Commissioner for Trade; and

''(II) individual National Targeting and Analysis Groups, each led by a Director who shall report to the Executive Director of the Commercial Targeting Division.

''(iii) DUTIES.—The Commercial Targeting Division shall be dedicated—

''(I) to the development and conduct of commercial risk assessment targeting with respect to cargo destined for the United States in accordance with subparagraph (C); and

''(II) to issuing Trade Alerts described in subparagraph (D).

''(B) NATIONAL TARGETING AND ANALYSIS GROUPS.—

''(i) IN GENERAL.—A National Targeting and Analysis Group referred to in subparagraph (A)(ii)(II) shall, at a minimum, be established for each priority trade issue described in clause (ii).

''(ii) PRIORITY TRADE ISSUES.—

''(I) IN GENERAL.—The priority trade issues described in this clause are the following:

''(aa) Agriculture programs.

''(bb) Antidumping and countervailing duties.

''(cc) Import safety.

''(dd) Intellectual property rights.

''(ee) Revenue.

''(ff) Textiles and wearing apparel.

''(gg) Trade agreements and preference programs.

''(II) MODIFICATION.—The Commissioner is authorized to establish new priority trade issues and eliminate, consolidate, or otherwise modify the priority trade issues described in this paragraph if the Commissioner—

''(aa) determines it necessary and appropriate to do so;

''(bb) submits to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a summary of proposals to consolidate, eliminate, or otherwise modify existing priority trade issues not later than 60 days before such changes are to take effect; and

''(cc) submits to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a summary of proposals to establish new priority trade issues not later than 30 days after such changes are to take effect.

''(iii) DUTIES.—The duties of each National Targeting and Analysis Group shall include—

''(I) directing the trade enforcement and compliance assessment activities of U.S. Customs and Border Protection that relate to the Group's priority trade issue;

''(II) facilitating, promoting, and coordinating cooperation and the exchange of information between U.S. Customs and Border Protection, U.S. Immigration and Customs

Enforcement, and other relevant Federal departments and agencies regarding the Group's priority trade issue; and

''(III) serving as the primary liaison between U.S. Customs and Border Protection and the public regarding United States Government activities regarding the Group's priority trade issue, including—

''(aa) providing for receipt and transmission to the appropriate U.S. Customs and Border Protection office of allegations from interested parties in the private sector of violations of customs and trade laws of the United States of merchandise relating to the priority trade issue;

''(bb) obtaining information from the appropriate U.S. Customs and Border Protection office on the status of any activities resulting from the submission of any such allegation, including any decision not to pursue the allegation, and providing any such information to each interested party in the private sector that submitted the allegation every 90 days after the allegation was received by U.S. Customs and Border Protection unless providing such information would compromise an ongoing law enforcement investigation; and

''(cc) notifying on a timely basis each interested party in the private sector that submitted such allegation of any civil or criminal actions taken by U.S. Customs and Border Protection or other Federal department or agency resulting from the allegation.

''(C) COMMERCIAL RISK ASSESSMENT TARGETING.—In carrying out its duties with respect to commercial risk assessment targeting, the Commercial Targeting Division shall—

''(i) establish targeted risk assessment methodologies and standards—

''(I) for evaluating the risk that cargo destined for the United States may violate the customs and trade laws of the United States, particularly those laws applicable to merchandise subject to the priority trade issues described in subparagraph (B)(ii); and

''(II) for issuing, as appropriate, Trade Alerts described in subparagraph (D); and

''(ii) to the extent practicable and otherwise authorized by law, use, to administer the methodologies and standards established under clause (i)—

''(I) publicly available information;

''(II) information available from the Automated Commercial System, the Automated Commercial Environment computer system, the Automated Targeting System, the Automated Export System, the International Trade Data System, the TECS (formerly known as the 'Treasury Enforcement Communications System'), the case management system of U.S. Immigration and Customs Enforcement, and any successor systems; and

''(III) information made available to the Commercial Targeting Division, including information provided by private sector entities.

''(D) TRADE ALERTS.—

''(i) ISSUANCE.—Based upon the application of the targeted risk assessment methodologies and standards established under subparagraph (C), the Executive Director of the Commercial Targeting Division and the Directors of the National Targeting and Analysis Groups may issue Trade Alerts to directors of United States ports of entry directing further inspection, or physical examination or testing, of specific merchandise to ensure compliance with all applicable customs and trade laws and regulations administered by U.S. Customs and Border Protection.

''(ii) DETERMINATIONS NOT TO IMPLEMENT TRADE ALERTS.—The director of a United States port of entry may determine not to conduct further inspections, or physical examination or testing, pursuant to a Trade Alert issued under clause (i) if the director—

''(I) finds that such a determination is justified by security interests; and

''(II) notifies the Assistant Commissioner of the Office of Field Operations and the Assistant Commissioner of International Trade of U.S. Customs and Border Protection of the determination and the reasons for the determination not later than 48 hours after making the determination.

''(iii) SUMMARY OF DETERMINATIONS NOT TO IMPLEMENT.—The Assistant Commissioner of the Office of Field Operations of U.S. Customs and Border Protection shall—

''(I) compile an annual public summary of all determinations by directors of United States ports of entry under clause (ii) and the reasons for those determinations;

''(II) conduct an evaluation of the utilization of Trade Alerts issued under clause (i); and

''(III) submit the summary to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than December 31 of each year.

''(iv) INSPECTION DEFINED.—In this subparagraph, the term 'inspection' means the comprehensive evaluation process used by U.S. Customs and Border Protection, other than physical examination or testing, to permit the entry of merchandise into the United States, or the clearance of merchandise for transportation in bond through the United States, for purposes of—

''(I) assessing duties;

''(II) identifying restricted or prohibited items; and

''(III) ensuring compliance with all applicable customs and trade laws and regulations administered by U.S. Customs and Border Protection.''.

(b) USE OF TRADE DATA FOR COMMERCIAL ENFORCEMENT PURPOSES.—Section 343(a)(3)(F) of the Trade Act of 2002 (19 U.S.C. 2071 note) is amended to read as follows:

''(F) The information collected pursuant to the regulations shall be used exclusively for ensuring cargo safety and security, preventing smuggling, and commercial risk assessment targeting, and shall not be used for any commercial enforcement purposes, including for determining merchandise entry. Notwithstanding the preceding sentence, nothing in this section shall be treated as amending, repealing, or otherwise modifying title IV of the Tariff Act of 1930 or regulations prescribed thereunder.''.

SEC. 112. REPORT ON OVERSIGHT OF REVENUE PROTECTION AND ENFORCEMENT MEASURES.

(a) IN GENERAL.—Not later than March 31, 2016, and not later than March 31 of each second year thereafter, the Inspector General of the Department of the Treasury shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report assessing, with respect to the period covered by the report, as specified in subsection (b), the following:

(1) The effectiveness of the measures taken by U.S. Customs and Border Protection with respect to protection of revenue, including—

(A) the collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.);

(B) the assessment, collection, and mitigation of commercial fines and penalties;

(C) the use of bonds, including continuous and single transaction bonds, to secure that revenue; and

(D) the adequacy of the policies of U.S. Customs and Border Protection with respect to the monitoring and tracking of merchandise transported in bond and collecting duties, as appropriate.

(2) The effectiveness of actions taken by U.S. Customs and Border Protection to measure accountability and performance with respect to protection of revenue.

(3) The number and outcome of investigations instituted by U.S. Customs and Border Protection with respect to the underpayment of duties.

(4) The effectiveness of training with respect to the collection of duties provided for personnel of U.S. Customs and Border Protection.

(b) PERIOD COVERED BY REPORT.—Each report required by subsection (a) shall cover the period of 2 fiscal years ending on September 30 of the calendar year preceding the submission of the report.

SEC. 113. REPORT ON SECURITY AND REVENUE MEASURES WITH RESPECT TO MERCHANDISE TRANSPORTED IN BOND.

(a) IN GENERAL.—Not later than December 31 of 2016, 2017, and 2018, the Secretary of Homeland Security and the Secretary of the Treasury shall jointly submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on efforts undertaken by U.S. Customs and Border Protection to ensure the secure transportation of merchandise in bond through the United States and the collection of revenue owed upon the entry of such merchandise into the United States for consumption.

(b) ELEMENTS.—Each report required by subsection (a) shall include, for the fiscal year preceding the submission of the report, information on—

(1) the overall number of entries of merchandise for transportation in bond through the United States;

(2) the ports at which merchandise arrives in the United States for transportation in bond and at which records of the arrival of such merchandise are generated;

(3) the average time taken to reconcile such records with the records at the final destination of the merchandise in the United States to demonstrate that the merchandise reaches its final destination or is reexported;

(4) the average time taken to transport merchandise in bond from the port at which the merchandise arrives in the United States to its final destination in the United States;

(5) the total amount of duties, taxes, and fees owed with respect to shipments of merchandise transported in bond and the total amount of such duties, taxes, and fees paid;

(6) the total number of notifications by carriers of merchandise being transported in bond that the destination of the merchandise has changed; and

(7) the number of entries that remain unreconciled.

SEC. 114. IMPORTER OF RECORD PROGRAM.

(a) ESTABLISHMENT.—Not later than the date that is 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish an importer of record program to assign and maintain importer of record numbers.

(b) REQUIREMENTS.—The Secretary shall ensure that, as part of the importer of record program, U.S. Customs and Border Protection—

(1) develops criteria that importers must meet in order to obtain an importer of record number, including—

(A) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to verify the existence of the importer requesting the importer of record number;

(B) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to identify linkages or

other affiliations between importers that are requesting or have been assigned importer of record numbers; and

(C) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to identify changes in address and corporate structure of importers;

(2) provides a process by which importers are assigned importer of record numbers;

(3) maintains a centralized database of importer of record numbers, including a history of importer of record numbers associated with each importer, and the information described in subparagraphs (A), (B), and (C) of paragraph (1);

(4) evaluates and maintains the accuracy of the database if such information changes; and

(5) takes measures to ensure that duplicate importer of record numbers are not issued.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the importer of record program established under subsection (a).

(d) NUMBER DEFINED.—In this subsection, the term ''number'', with respect to an importer of record, means a filing identification number described in section 24.5 of title 19, Code of Federal Regulations (or any corresponding similar regulation) that fully supports the requirements of subsection (b) with respect to the collection and maintenance of information.

SEC. 115. ESTABLISHMENT OF NEW IMPORTER PROGRAM.

(a) IN GENERAL.—Not later than the date that is 180 days after the date of the enactment of this Act, the Commissioner shall establish a new importer program that directs U.S. Customs and Border Protection to adjust bond amounts for new importers based on the level of risk assessed by U.S. Customs and Border Protection for protection of revenue of the Federal Government.

(b) REQUIREMENTS.—The Commissioner shall ensure that, as part of the new importer program established under subsection (a), U.S. Customs and Border Protection—

(1) develops risk-based criteria for determining which importers are considered to be new importers for the purposes of this subsection;

(2) develops risk assessment guidelines for new importers to determine if and to what extent—

(A) to adjust bond amounts of imported products of new importers; and

(B) to increase screening of imported products of new importers;

(3) develops procedures to ensure increased oversight of imported products of new importers relating to the enforcement of the priority trade issues described in paragraph (3)(B)(ii) of section 2(d) of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072(d)), as added by section 111(a) of this Act;

(4) develops procedures to ensure increased oversight of imported products of new importers by Centers of Excellence and Expertise established under section 110 of this Act; and

(5) establishes a centralized database of new importers to ensure accuracy of information that is required to be provided by new importers to U.S. Customs and Border Protection.

TITLE II—IMPORT HEALTH AND SAFETY

SEC. 201. INTERAGENCY IMPORT SAFETY WORKING GROUP.

(a) ESTABLISHMENT.—There is established an interagency Import Safety Working Group.

(b) MEMBERSHIP.—The interagency Import Safety Working Group shall consist of the following officials or their designees:

(1) The Secretary of Homeland Security, who shall serve as the Chair.

(2) The Secretary of Health and Human Services, who shall serve as the Vice Chair.

(3) The Secretary of the Treasury.

(4) The Secretary of Commerce.

(5) The Secretary of Agriculture.

(6) The United States Trade Representative.

(7) The Director of the Office of Management and Budget.

(8) The Commissioner of Food and Drugs.

(9) The Commissioner responsible for U.S. Customs and Border Protection.

(10) The Chairman of the Consumer Product Safety Commission.

(11) The Director of U.S. Immigration and Customs Enforcement.

(12) The head of any other Federal agency designated by the President to participate in the interagency Import Safety Working Group, as appropriate.

(c) DUTIES.—The duties of the interagency Import Safety Working Group shall include—

(1) consulting on the development of the joint import safety rapid response plan required by section 202 of this Act;

(2) periodically evaluating the adequacy of the plans, practices, and resources of the Federal Government dedicated to ensuring the safety of merchandise imported in the United States and the expeditious entry of such merchandise, including—

(A) minimizing the duplication of efforts among agencies the heads of which are members of the interagency Import Safety Working Group and ensuring the compatibility of the policies and regulations of those agencies; and

(B) recommending additional administrative actions, as appropriate, designed to ensure the safety of merchandise imported into the United States and the expeditious entry of such merchandise and considering the impact of those actions on private sector entities;

(3) reviewing the engagement and cooperation of foreign governments and foreign manufacturers in facilitating the inspection and certification, as appropriate, of such merchandise to be imported into the United States and the facilities producing such merchandise to ensure the safety of the merchandise and the expeditious entry of the merchandise into the United States;

(4) identifying best practices, in consultation with private sector entities as appropriate, to assist United States importers in taking all appropriate steps to ensure the safety of merchandise imported into the United States, including with respect to—

(A) the inspection of manufacturing facilities in foreign countries;

(B) the inspection of merchandise destined for the United States before exportation from a foreign country or before distribution in the United States; and

(C) the protection of the international supply chain (as defined in section 2 of the Security and Accountability For Every Port Act of 2006 (6 U.S.C. 901));

(5) identifying best practices to assist Federal, State, and local governments and agencies, and port authorities, to improve communication and coordination among such agencies and authorities with respect to ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise; and

(6) otherwise identifying appropriate steps to increase the accountability of United States importers and the engagement of foreign government agencies with respect to ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise.

SEC. 202. JOINT IMPORT SAFETY RAPID RESPONSE PLAN.

(a) IN GENERAL.—Not later than December 31, 2016, the Secretary of Homeland Security, in consultation with the interagency Import Safety Working Group, shall develop a plan (to be known as the ''joint import safety rapid response plan'') that sets forth protocols and defines practices for U.S. Customs and Border Protection to use—

(1) in taking action in response to, and coordinating Federal responses to, an incident in which cargo destined for or merchandise entering the United States has been identified as posing a threat to the health or safety of consumers in the United States; and

(2) in recovering from or mitigating the effects of actions and responses to an incident described in paragraph (1).

(b) CONTENTS.—The joint import safety rapid response plan shall address—

(1) the statutory and regulatory authorities and responsibilities of U.S. Customs and Border Protection and other Federal agencies in responding to an incident described in subsection (a)(1);

(2) the protocols and practices to be used by U.S. Customs and Border Protection when taking action in response to, and coordinating Federal responses to, such an incident;

(3) the measures to be taken by U.S. Customs and Border Protection and other Federal agencies in recovering from or mitigating the effects of actions taken in response to such an incident after the incident to ensure the resumption of the entry of merchandise into the United States; and

(4) exercises that U.S. Customs and Border Protection may conduct in conjunction with Federal, State, and local agencies, and private sector entities, to simulate responses to such an incident.

(c) UPDATES OF PLAN.—The Secretary of Homeland Security shall review and update the joint import safety rapid response plan, as appropriate, after conducting exercises under subsection (d).

(d) IMPORT HEALTH AND SAFETY EXERCISES.—

(1) IN GENERAL.—The Secretary of Homeland Security and the Commissioner shall periodically engage in the exercises referred to in subsection (b)(4), in conjunction with Federal, State, and local agencies and private sector entities, as appropriate, to test and evaluate the protocols and practices identified in the joint import safety rapid response plan at United States ports of entry.

(2) REQUIREMENTS FOR EXERCISES.—In conducting exercises under paragraph (1), the Secretary and the Commissioner shall—

(A) make allowance for the resources, needs, and constraints of United States ports of entry of different sizes in representative geographic locations across the United States;

(B) base evaluations on current risk assessments of merchandise entering the United States at representative United States ports of entry located across the United States;

(C) ensure that such exercises are conducted in a manner consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidelines, the Maritime Transportation System Security Plan, and other such national initiatives of the Department of Homeland Security, as appropriate; and

(D) develop metrics with respect to the resumption of the entry of merchandise into the United States after an incident described in subsection (a)(1).

(3) REQUIREMENTS FOR TESTING AND EVALUATION.—The Secretary and the Commissioner shall ensure that the testing and evaluation carried out in conducting exercises under paragraph (1)—

(A) are performed using clear and objective performance measures; and

(B) result in the identification of specific recommendations or best practices for responding to an incident described in subsection (a)(1).

(4) DISSEMINATION OF RECOMMENDATIONS AND BEST PRACTICES.—The Secretary and the Commissioner shall—

(A) share the recommendations or best practices identified under paragraph (3)(B) among the members of the interagency Import Safety Working Group and with, as appropriate—

(i) State, local, and tribal governments;

(ii) foreign governments; and

(iii) private sector entities; and

(B) use such recommendations and best practices to update the joint import safety rapid response plan.

SEC. 203. TRAINING.

The Commissioner shall ensure that personnel of U.S. Customs and Border Protection assigned to United States ports of entry are trained to effectively administer the provisions of this title and to otherwise assist in ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise.

TITLE III—IMPORT-RELATED PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

SEC. 301. DEFINITION OF INTELLECTUAL PROPERTY RIGHTS.

In this title, the term ''intellectual property rights'' refers to copyrights, trademarks, and other forms of intellectual property rights that are enforced by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

SEC. 302. EXCHANGE OF INFORMATION RELATED TO TRADE ENFORCEMENT.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 628 (19 U.S.C. 1628) the following new section:

''SEC. 628A. EXCHANGE OF INFORMATION RELATED TO TRADE ENFORCEMENT.

''(a) IN GENERAL.—Subject to subsections (c) and (d), if the Commissioner responsible for U.S. Customs and Border Protection suspects that merchandise is being imported into the United States in violation of section 526 of this Act or section 602, 1201(a)(2), or 1201(b)(1) of title 17, United States Code, and determines that the examination or testing of the merchandise by a person described in subsection (b) would assist the Commissioner in determining if the merchandise is being imported in violation of that section, the Commissioner, to permit the person to conduct the examination and testing—

''(1) shall provide to the person information that appears on the merchandise and its packaging and labels, including unredacted images of the merchandise and its packaging and labels; and

''(2) may, subject to any applicable bonding requirements, provide to the person unredacted samples of the merchandise.

''(b) PERSON DESCRIBED.—A person described in this subsection is—

''(1) in the case of merchandise suspected of being imported in violation of section 526, the owner of the trademark suspected of being copied or simulated by the merchandise;

''(2) in the case of merchandise suspected of being imported in violation of section 602 of title 17, United States Code, the owner of the copyright suspected of being infringed by the merchandise;

''(3) in the case of merchandise suspected of being primarily designed or produced for the purpose of circumventing a technological measure that effectively controls access to a work protected under that title, and being imported in violation of section 1201(a)(2) of that title, the owner of a copyright in the work; and

''(4) in the case of merchandise suspected of being primarily designed or produced for the purpose of circumventing protection afforded by a technological measure that effectively protects a right of an owner of a copyright in a work or a portion of a work, and being imported in violation of section 1201(b)(1) of that title, the owner of the copyright.

''(c) LIMITATION.—Subsection (a) applies only with respect to merchandise suspected of infringing a trademark or copyright that is recorded with U.S. Customs and Border Protection.

''(d) EXCEPTION.—The Commissioner may not provide under subsection (a) information, photographs, or samples to a person described in subsection (b) if providing such information, photographs, or samples would compromise an ongoing law enforcement investigation or national security.''.

(b) TERMINATION OF PREVIOUS AUTHORITY.—Notwithstanding paragraph (2) of section 818(g) of Public Law 112–81 (125 Stat. 1496), paragraph (1) of that section shall have no force or effect on or after the date of the enactment of this Act.

SEC. 303. SEIZURE OF CIRCUMVENTION DEVICES.

(a) IN GENERAL.—Section 596(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)(2)) is amended—

(1) in subparagraph (E), by striking ''or'';

(2) in subparagraph (F), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(G) U.S. Customs and Border Protection determines it is a technology, product, service, device, component, or part thereof the importation of which is prohibited under subsection (a)(2) or (b)(1) of section 1201 of title 17, United States Code.''.

(b) NOTIFICATION OF PERSONS INJURED.—

(1) IN GENERAL.—Not later than the date that is 30 business days after seizing merchandise pursuant to subparagraph (G) of section 596(c)(2) of the Tariff Act of 1930, as added by subsection (a), the Commissioner shall provide to any person identified under paragraph (2) information regarding the merchandise seized that is equivalent to information provided to copyright owners under regulations of U.S. Customs and Border Protection for merchandise seized for violation of the copyright laws.

(2) PERSONS TO BE PROVIDED INFORMATION.—Any person injured by the violation of (a)(2) or (b)(1) of section 1201 of title 17, United States Code, that resulted in the seizure of the merchandise shall be provided information under paragraph (1), if that person is included on a list maintained by the Commissioner that is revised annually through publication in the Federal Register.

(3) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations establishing procedures that implement this subsection.

SEC. 304. ENFORCEMENT BY U.S. CUSTOMS AND BORDER PROTECTION OF WORKS FOR WHICH COPYRIGHT REGISTRATION IS PENDING.

Not later than the date that is 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall authorize a process pursuant to which the Commissioner shall enforce a copyright for which the owner has submitted an application for registration under title 17, United States Code, with the United States Copyright Office, to the same extent and in the same manner as if the copyright were registered with the Copyright Office, including by sharing information, images, and samples of merchandise suspected of infringing the copyright under section 628A of the Tariff Act of 1930, as added by section 302.

SEC. 305. NATIONAL INTELLECTUAL PROPERTY RIGHTS COORDINATION CENTER.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall—

(1) establish within U.S. Immigration and Customs Enforcement a National Intellectual Property Rights Coordination Center; and

(2) appoint an Assistant Director to head the National Intellectual Property Rights Coordination Center.

(b) DUTIES.—The Assistant Director of the National Intellectual Property Rights Coordination Center shall—

(1) coordinate the investigation of sources of merchandise that infringe intellectual property rights to identify organizations and individuals that produce, smuggle, or distribute such merchandise;

(2) conduct and coordinate training with other domestic and international law enforcement agencies on investigative best practices—

(A) to develop and expand the capability of such agencies to enforce intellectual property rights; and

(B) to develop metrics to assess whether the training improved enforcement of intellectual property rights;

(3) coordinate, with U.S. Customs and Border Protection, activities conducted by the United States to prevent the importation or exportation of merchandise that infringes intellectual property rights;

(4) support the international interdiction of merchandise destined for the United States that infringes intellectual property rights;

(5) collect and integrate information regarding infringement of intellectual property rights from domestic and international law enforcement agencies and other non-Federal sources;

(6) develop a means to receive and organize information regarding infringement of intellectual property rights from such agencies and other sources;

(7) disseminate information regarding infringement of intellectual property rights to other Federal agencies, as appropriate;

(8) develop and implement risk-based alert systems, in coordination with U.S. Customs and Border Protection, to improve the targeting of persons that repeatedly infringe intellectual property rights;

(9) coordinate with the offices of United States attorneys in order to develop expertise in, and assist with the investigation and prosecution of, crimes relating to the infringement of intellectual property rights; and

(10) carry out such other duties as the Secretary of Homeland Security may assign.

(c) COORDINATION WITH OTHER AGENCIES.—In carrying out the duties described in subsection (b), the Assistant Director of the National Intellectual Property Rights Coordination Center shall coordinate with—

(1) U.S. Customs and Border Protection;

(2) the Food and Drug Administration;

(3) the Department of Justice;

(4) the Department of Commerce, including the United States Patent and Trademark Office;

(5) the United States Postal Inspection Service;

(6) the Office of the United States Trade Representative;

(7) any Federal, State, local, or international law enforcement agencies that the Director of U.S. Immigration and Customs Enforcement considers appropriate; and

(8) any other entities that the Director considers appropriate.

(d) PRIVATE SECTOR OUTREACH.—

(1) IN GENERAL.—The Assistant Director of the National Intellectual Property Rights Coordination Center shall work with U.S. Customs and Border Protection and other Federal agencies to conduct outreach to private sector entities in order to determine trends in and methods of infringing intellectual property rights.

(2) INFORMATION SHARING.—The Assistant Director shall share information and best practices with respect to the enforcement of intellectual property rights with private sector entities, as appropriate, in order to coordinate public and private sector efforts to combat the infringement of intellectual property rights.

SEC. 306. JOINT STRATEGIC PLAN FOR THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.

The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall include in the joint strategic plan required by section 105 of this Act—

(1) a description of the efforts of the Department of Homeland Security to enforce intellectual property rights;

(2) a list of the 10 United States ports of entry at which U.S. Customs and Border Protection has seized the most merchandise, both by volume and by value, that infringes intellectual property rights during the most recent 2-year period for which data are available; and

(3) a recommendation for the optimal allocation of personnel, resources, and technology to ensure that U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement are adequately enforcing intellectual property rights.

SEC. 307. PERSONNEL DEDICATED TO THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.

(a) PERSONNEL OF U.S. CUSTOMS AND BORDER PROTECTION.—The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall ensure that sufficient personnel are assigned throughout U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, respectively, who have responsibility for preventing the importation into the United States of merchandise that infringes intellectual property rights.

(b) STAFFING OF NATIONAL INTELLECTUAL PROPERTY RIGHTS COORDINATION CENTER.—The Commissioner shall—

(1) assign not fewer than 3 full-time employees of U.S. Customs and Border Protection to the National Intellectual Property Rights Coordination Center established under section 305 of this Act; and

(2) ensure that sufficient personnel are assigned to United States ports of entry to carry out the directives of the Center.

SEC. 308. TRAINING WITH RESPECT TO THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.

(a) TRAINING.—The Commissioner shall ensure that officers of U.S. Customs and Border Protection are trained to effectively detect and identify merchandise destined for the United States that infringes intellectual property rights, including through the use of technologies identified under subsection (c).

(b) CONSULTATION WITH PRIVATE SECTOR.—The Commissioner shall consult with private sector entities to better identify opportunities for collaboration between U.S. Customs and Border Protection and such entities with respect to training for officers of U.S. Customs and Border Protection in enforcing intellectual property rights.

(c) IDENTIFICATION OF NEW TECHNOLOGIES.—In consultation with private sector entities, the Commissioner shall identify—

(1) technologies with the cost-effective capability to detect and identify merchandise at United States ports of entry that infringes intellectual property rights; and

(2) cost-effective programs for training officers of U.S. Customs and Border Protection to use such technologies.

(d) DONATIONS OF TECHNOLOGY.—Not later than the date that is 180 days after the date of the enactment of this Act, the Commissioner shall prescribe regulations to enable U.S. Customs and Border Protection to receive donations of hardware, software, equipment, and similar technologies, and to accept training and other support services, from private sector entities, for the purpose of enforcing intellectual property rights.

SEC. 309. INTERNATIONAL COOPERATION AND INFORMATION SHARING.

(a) COOPERATION.—The Secretary of Homeland Security shall coordinate with the competent law enforcement and customs authorities of foreign countries, including by sharing information relevant to enforcement actions, to enhance the efforts of the United States and such authorities to enforce intellectual property rights.

(b) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security shall provide technical assistance to competent law enforcement and customs authorities of foreign countries to enhance the ability of such authorities to enforce intellectual property rights.

(c) INTERAGENCY COLLABORATION.—The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall lead interagency efforts to collaborate with law enforcement and customs authorities of foreign countries to enforce intellectual property rights.

SEC. 310. REPORT ON INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT.

Not later than June 30, 2016, and annually thereafter, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall jointly submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that contains the following:

(1) With respect to the enforcement of intellectual property rights, the following:

(A) The number of referrals from U.S. Customs and Border Protection to U.S. Immigration and Customs Enforcement relating to infringement of intellectual property rights during the preceding year.

(B) The number of investigations relating to the infringement of intellectual property rights referred by U.S. Immigration and Customs Enforcement to a United States attorney for prosecution and the United States attorneys to which those investigations were referred.

(C) The number of such investigations accepted by each such United States attorney and the status or outcome of each such investigation.

(D) The number of such investigations that resulted in the imposition of civil or criminal penalties.

(E) A description of the efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to improve the success rates of investigations and prosecutions relating to the infringement of intellectual property rights.

(2) An estimate of the average time required by the Office of International Trade of U.S. Customs and Border Protection to respond to a request from port personnel for advice with respect to whether merchandise detained by U.S. Customs and Border Protection infringed intellectual property rights, distinguished by types of intellectual property rights infringed.

(3) A summary of the outreach efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement with respect to—

(A) the interdiction and investigation of, and the sharing of information between those agencies and other Federal agencies to prevent the infringement of intellectual property rights;

(B) collaboration with private sector entities—

(i) to identify trends in the infringement of, and technologies that infringe, intellectual property rights;

(ii) to identify opportunities for enhanced training of officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement; and

(iii) to develop best practices to enforce intellectual property rights; and

(C) coordination with foreign governments and international organizations with respect to the enforcement of intellectual property rights.

(4) A summary of the efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to address the challenges with respect to the enforcement of intellectual property rights presented by Internet commerce and the transit of small packages and an identification of the volume, value, and type of merchandise seized for infringing intellectual property rights as a result of such efforts.

(5) A summary of training relating to the enforcement of intellectual property rights conducted under section 308 of this Act and expenditures for such training.

SEC. 311. INFORMATION FOR TRAVELERS REGARDING VIOLATIONS OF INTELLECTUAL PROPERTY RIGHTS.

(a) IN GENERAL.—The Secretary of Homeland Security shall develop and carry out an educational campaign to inform travelers entering or leaving the United States about the legal, economic, and public health and safety implications of acquiring merchandise that infringes intellectual property rights outside the United States and importing such merchandise into the United States in violation of United States law.

(b) DECLARATION FORMS.—The Commissioner shall ensure that all versions of Declaration Form 6059B of U.S. Customs and Border Protection, or a successor form, including any electronic equivalent of Declaration Form 6059B or a successor form, printed or displayed on or after the date that is 30 days after the date of the enactment of this Act include a written warning to inform travelers arriving in the United States that importation of merchandise into the United States that infringes intellectual property rights may subject travelers to civil or criminal penalties and may pose serious risks to safety or health.

TITLE IV—EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Enforcing Orders and Reducing Customs Evasion Act of 2015''.

SEC. 402. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 516A (19 U.S.C. 1516a) the following:

''SEC. 517. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTERING AUTHORITY.—The term 'administering authority' has the meaning given that term in section 771(1).

''(2) COMMISSIONER.—The term 'Commissioner' means the Commissioner responsible for U.S. Customs and Border Protection, acting pursuant to the delegation by the Secretary of the Treasury of the authority of

the Secretary with respect to customs revenue functions (as defined in section 415 of the Homeland Security Act of 2002 (6 U.S.C. 215)).

''(3) COVERED MERCHANDISE.—The term 'covered merchandise' means merchandise that is subject to—

''(A) an antidumping duty order issued under section 736;

''(B) a finding issued under the Antidumping Act, 1921; or

''(C) a countervailing duty order issued under section 706.

''(4) ENTER; ENTRY.—The terms 'enter' and 'entry' refer to the entry, or withdrawal from warehouse for consumption, of merchandise in the customs territory of the United States.

''(5) EVASION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'evasion' refers to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.

''(B) EXCEPTION FOR CLERICAL ERROR.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'evasion' does not include entering covered merchandise into the customs territory of the United States by means of—

''(I) a document or electronically transmitted data or information, written or oral statement, or act that is false as a result of a clerical error; or

''(II) an omission that results from a clerical error.

''(ii) PATTERNS OF NEGLIGENT CONDUCT.—If the Commissioner determines that a person has entered covered merchandise into the customs territory of the United States by means of a clerical error referred to in subclause (I) or (II) of clause (i) and that the clerical error is part of a pattern of negligent conduct on the part of that person, the Commissioner may determine, notwithstanding clause (i), that the person has entered such covered merchandise into the customs territory of the United States through evasion.

''(iii) ELECTRONIC REPETITION OF ERRORS.—For purposes of clause (ii), the mere nonintentional repetition by an electronic system of an initial clerical error does not constitute a pattern of negligent conduct.

''(iv) RULE OF CONSTRUCTION.—A determination by the Commissioner that a person has entered covered merchandise into the customs territory of the United States by means of a clerical error referred to in subclause (I) or (II) of clause (i) rather than through evasion shall not be construed to excuse that person from the payment of any duties applicable to the merchandise.

''(6) INTERESTED PARTY.—

''(A) IN GENERAL.—The term 'interested party' means—

''(i) a manufacturer, producer, or wholesaler in the United States of a domestic like product;

''(ii) a certified union or recognized union or group of workers that is representative of an industry engaged in the manufacture, production, or wholesale in the United States of a domestic like product;

''(iii) a trade or business association a majority of whose members manufacture, produce, or wholesale a domestic like product in the United States;

''(iv) an association, a majority of whose members is composed of interested parties described in clause (i), (ii), or (iii) with respect to a domestic like product; and

''(v) if the covered merchandise is a processed agricultural product, as defined in section 771(4)(E), a coalition or trade association that is representative of either—

''(I) processors;

''(II) processors and producers; or

''(III) processors and growers,

but this clause shall cease to have effect if the United States Trade Representative notifies the administering authority and the Commission that the application of this clause is inconsistent with the international obligations of the United States.

''(B) DOMESTIC LIKE PRODUCT.—For purposes of subparagraph (A), the term 'domestic like product' means a product that is like, or in the absence of like, most similar in characteristics and uses with, covered merchandise.

''(b) INVESTIGATIONS.—

''(1) IN GENERAL.—Not later than 10 business days after receiving an allegation described in paragraph (2) or a referral described in paragraph (3), the Commissioner shall initiate an investigation if the Commissioner determines that the information provided in the allegation or the referral, as the case may be, reasonably suggests that covered merchandise has been entered into the customs territory of the United States through evasion.

''(2) ALLEGATION DESCRIBED.—An allegation described in this paragraph is an allegation that a person has entered covered merchandise into the customs territory of the United States through evasion that is—

''(A) filed with the Commissioner by an interested party; and

''(B) accompanied by information reasonably available to the party that filed the allegation.

''(3) REFERRAL DESCRIBED.—A referral described in this paragraph is information submitted to the Commissioner by any other Federal agency, including the Department of Commerce or the United States International Trade Commission, that reasonably suggests that a person has entered covered merchandise into the customs territory of the United States through evasion.

''(4) CONSOLIDATION OF ALLEGATIONS AND REFERRALS.—

''(A) IN GENERAL.—The Commissioner may consolidate multiple allegations described in paragraph (2) and referrals described in paragraph (3) into a single investigation if the Commissioner determines it is appropriate to do so.

''(B) EFFECT ON TIMING REQUIREMENTS.—If the Commissioner consolidates multiple allegations or referrals into a single investigation under subparagraph (A), the date on which the Commissioner receives the first such allegation or referral shall be used for purposes of the requirement under paragraph (1) with respect to the timing of the initiation of the investigation.

''(5) INFORMATION-SHARING TO PROTECT HEALTH AND SAFETY.—If, during the course of conducting an investigation under paragraph (1) with respect to covered merchandise, the Commissioner has reason to suspect that such covered merchandise may pose a health or safety risk to consumers, the Commissioner shall provide, as appropriate, information to the appropriate Federal agencies for purposes of mitigating the risk.

''(6) TECHNICAL ASSISTANCE AND ADVICE.—

''(A) IN GENERAL.—Upon request, the Commissioner shall provide technical assistance and advice to eligible small businesses to enable such businesses to prepare and submit allegations described in paragraph (2), except that the Commissioner may deny assistance if the Commissioner concludes that the allegation, if submitted, would not lead to the initiation of an investigation under this subsection or any other action to address the allegation.

''(B) ELIGIBLE SMALL BUSINESS DEFINED.—

''(i) IN GENERAL.—In this paragraph, the term 'eligible small business' means any business concern that the Commissioner determines, due to its small size, has neither adequate internal resources nor the financial ability to obtain qualified outside assistance in preparing and filing allegations described in paragraph (2).

''(ii) NON-REVIEWABILITY.—The determination of the Commissioner regarding whether a business concern is an eligible small business for purposes of this paragraph is not reviewable by any other agency or by any court.

''(c) DETERMINATIONS.—

''(1) IN GENERAL.—Not later than 270 calendar days after the date on which the Commissioner initiates an investigation under subsection (b) with respect to covered merchandise, the Commissioner shall make a determination, based on substantial evidence, with respect to whether such covered merchandise was entered into the customs territory of the United States through evasion.

''(2) AUTHORITY TO COLLECT AND VERIFY ADDITIONAL INFORMATION.—In making a determination under paragraph (1) with respect to covered merchandise, the Commissioner may collect such additional information as is necessary to make the determination through such methods as the Commissioner considers appropriate, including by—

''(A) issuing a questionnaire with respect to such covered merchandise to—

''(i) an interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise;

''(ii) a person alleged to have entered such covered merchandise into the customs territory of the United States through evasion;

''(iii) a person that is a foreign producer or exporter of such covered merchandise; or

''(iv) the government of a country from which such covered merchandise was exported; and

''(B) conducting verifications, including on-site verifications, of any relevant information.

''(3) ADVERSE INFERENCE.—If the Commissioner finds that a party or person described in clause (i), (ii), or (iii) of paragraph (2)(A) has failed to cooperate by not acting to the best of the party or person's ability to comply with a request for information, the Commissioner may, in making a determination under paragraph (1), use an inference that is adverse to the interests of that party or person in selecting from among the facts otherwise available to make the determination.

''(4) NOTIFICATION.—Not later than 5 business days after making a determination under paragraph (1) with respect to covered merchandise, the Commissioner—

''(A) shall provide to each interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise a notification of the determination and may, in addition, include an explanation of the basis for the determination; and

''(B) may provide to importers, in such manner as the Commissioner determines appropriate, information discovered in the investigation that the Commissioner determines will help educate importers with respect to importing merchandise into the customs territory of the United States in accordance with all applicable laws and regulations.

''(d) EFFECT OF DETERMINATIONS.—

''(1) IN GENERAL.—If the Commissioner makes a determination under subsection (c) that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

''(A)(i) suspend the liquidation of unliquidated entries of such covered merchandise that are subject to the determination and that enter on or after the date of the initiation of the investigation under subsection (b) with respect to such covered merchandise and on or before the date of the determination; or

''(ii) if the Commissioner has already suspended the liquidation of such entries pursuant to subsection (e)(1), continue to suspend the liquidation of such entries;

''(B) pursuant to the Commissioner's authority under section 504(b)—

''(i) extend the period for liquidating unliquidated entries of such covered merchandise that are subject to the determination and that entered before the date of the initiation of the investigation; or

''(ii) if the Commissioner has already extended the period for liquidating such entries pursuant to subsection (e)(1), continue to extend the period for liquidating such entries;

''(C) notify the administering authority of the determination and request that the administering authority—

''(i) identify the applicable antidumping or countervailing duty assessment rates for entries described in subparagraphs (A) and (B); or

''(ii) if no such assessment rate for such an entry is available at the time, identify the applicable cash deposit rate to be applied to the entry, with the applicable antidumping or countervailing duty assessment rate to be provided as soon as that rate becomes available;

''(D) require the posting of cash deposits and assess duties on entries described in subparagraphs (A) and (B) in accordance with the instructions received from the administering authority under paragraph (2); and

''(E) take such additional enforcement measures as the Commissioner determines appropriate, such as—

''(i) initiating proceedings under section 592 or 596;

''(ii) implementing, in consultation with the relevant Federal agencies, rule sets or modifications to rules sets for identifying, particularly through the Automated Targeting System and the Automated Commercial Environment authorized under section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)), importers, other parties, and merchandise that may be associated with evasion;

''(iii) requiring, with respect to merchandise for which the importer has repeatedly provided incomplete or erroneous entry summary information in connection with determinations of evasion, the importer to deposit estimated duties at the time of entry; and

''(iv) referring the record in whole or in part to U.S. Immigration and Customs Enforcement for civil or criminal investigation.

''(2) COOPERATION OF ADMINISTERING AUTHORITY.—

''(A) IN GENERAL.—Upon receiving a notification from the Commissioner under paragraph (1)(C), the administering authority shall promptly provide to the Commissioner the applicable cash deposit rates and antidumping or countervailing duty assessment rates and any necessary liquidation instructions.

''(B) SPECIAL RULE FOR CASES IN WHICH THE PRODUCER OR EXPORTER IS UNKNOWN.—If the Commissioner and the administering authority are unable to determine the producer or exporter of the merchandise with respect to which a notification is made under paragraph (1)(C), the administering authority shall identify, as the applicable cash deposit rate or antidumping or countervailing duty assessment rate, the cash deposit or duty (as the case may be) in the highest amount applicable to any producer or exporter, including the 'all-others' rate of the merchandise subject to an antidumping order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921, or any administrative review conducted under section 751.

''(e) INTERIM MEASURES.—Not later than 90 calendar days after initiating an investigation under subsection (b) with respect to covered merchandise, the Commissioner shall decide based on the investigation if there is a reasonable suspicion that such covered merchandise was entered into the customs territory of the United States through evasion and, if the Commissioner decides there is such a reasonable suspicion, the Commissioner shall—

''(1) suspend the liquidation of each unliquidated entry of such covered merchandise that entered on or after the date of the initiation of the investigation;

''(2) pursuant to the Commissioner's authority under section 504(b), extend the period for liquidating each unliquidated entry of such covered merchandise that entered before the date of the initiation of the investigation; and

''(3) pursuant to the Commissioner's authority under section 623, take such additional measures as the Commissioner determines necessary to protect the revenue of the United States, including requiring a single transaction bond or additional security or the posting of a cash deposit with respect to such covered merchandise.

''(f) ADMINISTRATIVE REVIEW.—

''(1) IN GENERAL.—Not later than 30 business days after the Commissioner makes a determination under subsection (c) with respect to whether covered merchandise was entered into the customs territory of the United States through evasion, a person determined to have entered such covered merchandise through evasion or an interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise may file an appeal with the Commissioner for de novo review of the determination.

''(2) TIMELINE FOR REVIEW.—Not later than 60 business days after an appeal of a determination is filed under paragraph (1), the Commissioner shall complete the review of the determination.

''(g) JUDICIAL REVIEW.—

''(1) IN GENERAL.—Not later than 30 business days after the Commissioner completes a review under subsection (f) of a determination under subsection (c) with respect to whether covered merchandise was entered into the customs territory of the United States through evasion, a person determined to have entered such covered merchandise through evasion or an interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise may commence a civil action in the United States Court of International Trade by filing concurrently a summons and complaint contesting any factual findings or legal conclusions upon which the determination is based.

''(2) STANDARD OF REVIEW.—In a civil action under this subsection, the court shall hold unlawful any determination, finding, or conclusion found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

''(h) RULE OF CONSTRUCTION WITH RESPECT TO OTHER CIVIL AND CRIMINAL PROCEEDINGS AND INVESTIGATIONS.—No determination under subsection (c) or action taken by the Commissioner pursuant to this section shall be construed to limit the authority to carry out, or the scope of, any other proceeding or investigation pursuant to any other provision of Federal or State law, including sections 592 and 596.''.

(b) CONFORMING AMENDMENT.—Section 1581(c) of title 28, United States Code, is amended by inserting ''or 517'' after ''516A''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

(d) REGULATIONS.—Not later than the date that is 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe such regulations as may be necessary to implement the amendments made by this section.

(e) APPLICATION TO CANADA AND MEXICO.—Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this section shall apply with respect to goods from Canada and Mexico.

SEC. 403. ANNUAL REPORT ON PREVENTION AND INVESTIGATION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Not later than January 15 of each calendar year that begins on or after the date that is 270 days after the date of the enactment of this Act, the Commissioner, in consultation with the Secretary of Commerce and the Director of U.S. Immigration and Customs Enforcement, shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the efforts being taken to prevent and investigate the entry of covered merchandise into the customs territory of the United States through evasion.

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) for the calendar year preceding the submission of the report—

(A) a summary of the efforts of U.S. Customs and Border Protection to prevent and investigate the entry of covered merchandise into the customs territory of the United States through evasion;

(B) the number of allegations of evasion received under subsection (b) of section 517 of the Tariff Act of 1930, as added by section 402 of this Act, and the number of such allegations resulting in investigations by U.S. Customs and Border Protection or any other agency;

(C) a summary of investigations initiated under subsection (b) of such section 517, including—

(i) the number and nature of the investigations initiated, conducted, and completed; and

(ii) the resolution of each completed investigation;

(D) the number of investigations initiated under that subsection not completed during the time provided for making determinations under subsection (c) of such section 517 and an explanation for why the investigations could not be completed on time;

(E) the amount of additional duties that were determined to be owed as a result of such investigations, the amount of such duties that were collected, and, for any such duties not collected, a description of the reasons those duties were not collected;

(F) with respect to each such investigation that led to the imposition of a penalty, the amount of the penalty;

(G) an identification of the countries of origin of covered merchandise determined under subsection (c) of such section 517 to be entered into the customs territory of the United States through evasion;

(H) the amount of antidumping and countervailing duties collected as a result of any investigations or other actions by U.S. Customs and Border Protection or any other agency;

(I) a description of the allocation of personnel and other resources of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to prevent and investigate evasion, including any assessments conducted regarding the allocation of such personnel and resources; and

(J) a description of training conducted to increase expertise and effectiveness in the prevention and investigation of evasion; and

(2) a description of processes and procedures of U.S. Customs and Border Protection to prevent and investigate evasion, including—

(A) the specific guidelines, policies, and practices used by U.S. Customs and Border Protection to ensure that allegations of evasion are promptly evaluated and acted upon in a timely manner;

(B) an evaluation of the efficacy of those guidelines, policies, and practices;

(C) an identification of any changes since the last report required by this section, if any, that have materially improved or reduced the effectiveness of U.S. Customs and Border Protection in preventing and investigating evasion;

(D) a description of the development and implementation of policies for the application of single entry and continuous bonds for entries of covered merchandise to sufficiently protect the collection of antidumping and countervailing duties commensurate with the level of risk of not collecting those duties;

(E) a description of the processes and procedures for increased cooperation and information sharing with the Department of Commerce, U.S. Immigration and Customs Enforcement, and any other relevant Federal agencies to prevent and investigate evasion; and

(F) an identification of any recommended policy changes for other Federal agencies or legislative changes to improve the effectiveness of U.S. Customs and Border Protection in preventing and investigating evasion.

(c) PUBLIC SUMMARY.—The Commissioner shall make available to the public a summary of the report required by subsection (a) that includes, at a minimum—

(1) a description of the type of merchandise with respect to which investigations were initiated under subsection (b) of section 517 of the Tariff Act of 1930, as added by section 402 of this Act;

(2) the amount of additional duties determined to be owed as a result of such investigations and the amount of such duties that were collected;

(3) an identification of the countries of origin of covered merchandise determined under subsection (c) of such section 517 to be entered into the customs territory of the United States through evasion; and

(4) a description of the types of measures used by U.S. Customs and Border Protection to prevent and investigate evasion.

(d) DEFINITIONS.—In this section, the terms ''covered merchandise'' and ''evasion'' have the meanings given those terms in section 517(a) of the Tariff Act of 1930, as added by section 402 of this Act.

TITLE V—AMENDMENTS TO ANTIDUMPING AND COUNTERVAILING DUTY LAWS

SEC. 501. CONSEQUENCES OF FAILURE TO COOPERATE WITH A REQUEST FOR INFORMATION IN A PROCEEDING.

Section 776 of the Tariff Act of 1930 (19 U.S.C. 1677e) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the right;

(B) by striking ''ADVERSE INFERENCES.—If'' and inserting the following: ''ADVERSE INFERENCES.—

''(1) IN GENERAL.—If'';

(C) by striking ''under this title, may use'' and inserting the following: ''under this title—

''(A) may use''; and

(D) by striking ''facts otherwise available. Such adverse inference may include'' and inserting the following: ''facts otherwise available; and

''(B) is not required to determine, or make any adjustments to, a countervailable subsidy rate or weighted average dumping margin based on any assumptions about information the interested party would have provided if the interested party had complied with the request for information.

''(2) POTENTIAL SOURCES OF INFORMATION FOR ADVERSE INFERENCES.—An adverse inference under paragraph (1)(A) may include'';

(2) in subsection (c)—

(A) by striking ''CORROBORATION OF SECONDARY INFORMATION.—When the'' and inserting the following: ''CORROBORATION OF SECONDARY INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), when the''; and

(B) by adding at the end the following:

''(2) EXCEPTION.—The administrative authority and the Commission shall not be required to corroborate any dumping margin or countervailing duty applied in a separate segment of the same proceeding.''; and

(3) by adding at the end the following:

''(d) SUBSIDY RATES AND DUMPING MARGINS IN ADVERSE INFERENCE DETERMINATIONS.—

''(1) IN GENERAL.—If the administering authority uses an inference that is adverse to the interests of a party under subsection (b)(1)(A) in selecting among the facts otherwise available, the administering authority may—

''(A) in the case of a countervailing duty proceeding—

''(i) use a countervailable subsidy rate applied for the same or similar program in a countervailing duty proceeding involving the same country, or

''(ii) if there is no same or similar program, use a countervailable subsidy rate for a subsidy program from a proceeding that the administering authority considers reasonable to use, and

''(B) in the case of an antidumping duty proceeding, use any dumping margin from any segment of the proceeding under the applicable antidumping order.

''(2) DISCRETION TO APPLY HIGHEST RATE.—In carrying out paragraph (1), the administering authority may apply any of the countervailable subsidy rates or dumping margins specified under that paragraph, including the highest such rate or margin, based on the evaluation by the administering authority of the situation that resulted in the administering authority using an adverse inference in selecting among the facts otherwise available.

''(3) NO OBLIGATION TO MAKE CERTAIN ESTIMATES OR ADDRESS CERTAIN CLAIMS.—If the administering authority uses an adverse inference under subsection (b)(1)(A) in selecting among the facts otherwise available, the administering authority is not required, for purposes of subsection (c) or for any other purpose—

''(A) to estimate what the countervailable subsidy rate or dumping margin would have been if the interested party found to have failed to cooperate under subsection (b)(1) had cooperated, or

''(B) to demonstrate that the countervailable subsidy rate or dumping margin used by the administering authority reflects an alleged commercial reality of the interested party.''.

SEC. 502. DEFINITION OF MATERIAL INJURY.

(a) EFFECT OF PROFITABILITY OF DOMESTIC INDUSTRIES.—Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)) is amended by adding at the end the following:

''(J) EFFECT OF PROFITABILITY.—The Commission shall not determine that there is no material injury or threat of material injury to an industry in the United States merely because that industry is profitable or because the performance of that industry has recently improved.''.

(b) EVALUATION OF IMPACT ON DOMESTIC INDUSTRY IN DETERMINATION OF MATERIAL INJURY.—Subclause (I) of section 771(7)(C)(iii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iii)) is amended to read as follows:

''(I) actual and potential decline in output, sales, market share, gross profits, operating profits, net profits, ability to service debt, productivity, return on investments, return on assets, and utilization of capacity,''.

(c) CAPTIVE PRODUCTION.—Section 771(7)(C)(iv) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iv)) is amended—

(1) in subclause (I), by striking the comma and inserting '', and'';

(2) in subclause (II), by striking '', and'' and inserting a comma; and

(3) by striking subclause (III).

SEC. 503. PARTICULAR MARKET SITUATION.

(a) DEFINITION OF ORDINARY COURSE OF TRADE.—Section 771(15) of the Tariff Act of 1930 (19 U.S.C. 1677(15)) is amended by adding at the end the following:

''(C) Situations in which the administering authority determines that the particular market situation prevents a proper comparison with the export price or constructed export price.''.

(b) DEFINITION OF NORMAL VALUE.—Section 773(a)(1)(B)(ii)(III) of the Tariff Act of 1930 (19 U.S.C. 1677b(a)(1)(B)(ii)(III)) is amended by striking ''in such other country.''.

(c) DEFINITION OF CONSTRUCTED VALUE.—Section 773(e) of the Tariff Act of 1930 (19 U.S.C. 1677b(e)) is amended—

(1) in paragraph (1), by striking ''business'' and inserting ''trade''; and

(2) By striking the flush text at the end and inserting the following:

''For purposes of paragraph (1), if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology. For purposes of paragraph (1), the cost of materials shall be determined without regard to any internal tax in the exporting country imposed on such materials or their disposition that is remitted or refunded upon exportation of the subject merchandise produced from such materials.''.

SEC. 504. DISTORTION OF PRICES OR COSTS.

(a) INVESTIGATION OF BELOW-COST SALES.—Section 773(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1677b(b)(2)) is amended by striking subparagraph (A) and inserting the following:

''(A) REASONABLE GROUNDS TO BELIEVE OR SUSPECT.—

''(i) REVIEW.—In a review conducted under section 751 involving a specific exporter, there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that are less than the cost of production of the product if the administering authority disregarded some or all of the exporter's sales pursuant to paragraph (1) in the investigation or, if a review has been completed, in the most recently completed review.

''(ii) REQUESTS FOR INFORMATION.—In an investigation initiated under section 732 or a review conducted under section 751, the administering authority shall request information necessary to calculate the constructed value and cost of production under subsections (e) and (f) to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the cost of production of the product.''.

(b) PRICES AND COSTS IN NONMARKET ECONOMIES.—Section 773(c) of the Tariff Act of 1930 (19 U.S.C. 1677b(c)) is amended by adding at the end the following:

''(5) DISCRETION TO DISREGARD CERTAIN PRICE OR COST VALUES.—In valuing the factors of production under paragraph (1) for the subject merchandise, the administering authority may disregard price or cost values without further investigation if the administering authority has determined that broadly available export subsidies existed or particular instances of subsidization occurred with respect to those price or cost values or if those price or cost values were subject to an antidumping order.''.

SEC. 505. REDUCTION IN BURDEN ON DEPARTMENT OF COMMERCE BY REDUCING THE NUMBER OF VOLUNTARY RESPONDENTS.

Section 782(a) of the Tariff Act of 1930 (19 U.S.C. 1677m(a)) is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving such clauses, as so redesignated, 2 ems to the right;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the right;

(3) by striking ''INVESTIGATIONS AND REVIEWS.—In'' and inserting the following: ''INVESTIGATIONS AND REVIEWS.—

''(1) IN GENERAL.—In'';

(4) in paragraph (1), as designated by paragraph (3), by amending subparagraph (B), as redesignated by paragraph (2), to read as follows:

''(B) the number of exporters or producers subject to the investigation or review is not so large that any additional individual examination of such exporters or producers would be unduly burdensome to the administering authority and inhibit the timely completion of the investigation or review.''; and

(5) by adding at the end the following:

''(2) DETERMINATION OF UNDULY BURDENSOME.—In determining if an individual examination under paragraph (1)(B) would be unduly burdensome, the administering authority may consider the following:

''(A) The complexity of the issues or information presented in the proceeding, including questionnaires and any responses thereto.

''(B) Any prior experience of the administering authority in the same or similar proceeding.

''(C) The total number of investigations under subtitle A or B and reviews under section 751 being conducted by the administering authority as of the date of the determination.

''(D) Such other factors relating to the timely completion of each such investigation and review as the administering authority considers appropriate.''.

SEC. 506. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this title shall apply with respect to goods from Canada and Mexico.

TITLE VI—ADDITIONAL TRADE ENFORCEMENT AND INTELLECTUAL PROPERTY RIGHTS PROTECTION

Subtitle A—Trade Enforcement

SEC. 601. TRADE ENFORCEMENT PRIORITIES.

(a) IN GENERAL.—Section 310 of the Trade Act of 1974 (19 U.S.C. 2420) is amended to read as follows:

''SEC. 310. TRADE ENFORCEMENT PRIORITIES.

''(a) TRADE ENFORCEMENT PRIORITIES, CONSULTATIONS, AND REPORT.—

''(1) TRADE ENFORCEMENT PRIORITIES CONSULTATIONS.—Not later than May 31 of each calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the United States Trade Representative (in this section referred to as the 'Trade Representative') shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the prioritization of acts, policies, or practices of foreign governments that raise concerns with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, or otherwise create or maintain barriers to United States goods, services, or investment.

''(2) IDENTIFICATION OF TRADE ENFORCEMENT PRIORITIES.—In identifying acts, policies, or practices of foreign governments as trade enforcement priorities under this subsection, the United States Trade Representative shall focus on those acts, policies, and practices the elimination of which is likely to have the most significant potential to increase United States economic growth, and take into account all relevant factors, including—

''(A) the economic significance of any potential inconsistency between an obligation assumed by a foreign government pursuant to a trade agreement to which both the foreign government and the United States are parties and the acts, policies, or practices of that government;

''(B) the impact of the acts, policies, or practices of a foreign government on maintaining and creating United States jobs and productive capacity;

''(C) the major barriers and trade distorting practices described in the most recent National Trade Estimate required under section 181(b);

''(D) the major barriers and trade distorting practices described in other relevant reports addressing international trade and investment barriers prepared by a Federal agency or congressional commission during the 12 months preceding the date of the most recent report under paragraph (3);

''(E) a foreign government's compliance with its obligations under any trade agreements to which both the foreign government and the United States are parties;

''(F) the implications of a foreign government's procurement plans and policies; and

''(G) the international competitive position and export potential of United States products and services.

''(3) REPORT ON TRADE ENFORCEMENT PRIORITIES AND ACTIONS TAKEN TO ADDRESS.—

''(A) IN GENERAL.—Not later than July 31 of each calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Trade Representative shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on acts, policies, or practices of foreign governments identified as trade enforcement priorities based on the consultations under paragraph (1) and the criteria set forth in paragraph (2).

''(B) REPORT IN SUBSEQUENT YEARS.—The Trade Representative shall include, when reporting under subparagraph (A) in any calendar year after the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, a description of actions taken to address any acts, policies, or practices of foreign governments identified as trade enforcement priorities under this subsection in the calendar year preceding that report and, as relevant, any year before that calendar year.

''(b) SEMIANNUAL ENFORCEMENT CONSULTATIONS.—

''(1) IN GENERAL.—At the same time as the reporting under subsection (a)(3), and not later than January 31 of each following year, the Trade Representative shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the identification, prioritization, investigation, and resolution of acts, policies, or practices of foreign governments of concern with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, or that otherwise create or maintain trade barriers.

''(2) ACTS, POLICIES, OR PRACTICES OF CONCERN.—The semiannual enforcement consultations required by paragraph (1) shall address acts, policies, or practices of foreign governments that raise concerns with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, or otherwise create or maintain trade barriers, including—

''(A) engagement with relevant trading partners;

''(B) strategies for addressing such concerns;

''(C) availability and deployment of resources to be used in the investigation or resolution of such concerns;

''(D) the merits of any potential dispute resolution proceeding under the WTO Agreements or any other trade agreement to which the United States is a party relating to such concerns; and

''(E) any other aspects of such concerns.

''(3) ACTIVE INVESTIGATIONS.—The semiannual enforcement consultations required by paragraph (1) shall address acts, policies, or practices that the Trade Representative is actively investigating with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, including—

''(A) strategies for addressing concerns raised by such acts, policies, or practices;

''(B) any relevant timeline with respect to investigation of such acts, policies, or practices;

''(C) the merits of any potential dispute resolution proceeding under the WTO Agreements or any other trade agreement to which the United States is a party with respect to such acts, policies, or practices;

''(D) barriers to the advancement of the investigation of such acts, policies, or practices; and

''(E) any other matters relating to the investigation of such acts, policies, or practices.

''(4) ONGOING ENFORCEMENT ACTIONS.—The semiannual enforcement consultations required by paragraph (1) shall address all ongoing enforcement actions taken by or

against the United States with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, including—

''(A) any relevant timeline with respect to such actions;

''(B) the merits of such actions;

''(C) any prospective implementation actions;

''(D) potential implications for any law or regulation of the United States;

''(E) potential implications for United States stakeholders, domestic competitors, and exporters; and

''(F) other issues relating to such actions.

''(5) ENFORCEMENT RESOURCES.—The semiannual enforcement consultations required by paragraph (1) shall address the availability and deployment of enforcement resources, resource constraints on monitoring and enforcement activities, and strategies to address those constraints, including the use of available resources of other Federal agencies to enhance monitoring and enforcement capabilities.

''(c) INVESTIGATION AND RESOLUTION.—In the case of any acts, policies, or practices of a foreign government identified as a trade enforcement priority under subsection (a), the Trade Representative shall, not later than the date of the first semiannual enforcement consultations held under subsection (b) after the identification of the priority, take appropriate action to address that priority, including—

''(1) engagement with the foreign government to resolve concerns raised by such acts, policies, or practices;

''(2) initiation of an investigation under section 302(b)(1) with respect to such acts, policies, or practices;

''(3) initiation of negotiations for a bilateral agreement that provides for resolution of concerns raised by such acts, policies, or practices; or

''(4) initiation of dispute settlement proceedings under the WTO Agreements or any other trade agreement to which the United States is a party with respect to such acts, policies, or practices.

''(d) ENFORCEMENT NOTIFICATIONS AND CONSULTATION.—

''(1) INITIATION OF ENFORCEMENT ACTION.—The Trade Representative shall notify and consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in advance of initiation of any formal trade dispute by or against the United States taken in regard to an obligation under the WTO Agreements or any other trade agreement to which the United States is a party. With respect to a formal trade dispute against the United States, if advance notification and consultation are not possible, the Trade Representative shall notify and consult at the earliest practicable opportunity after initiation of the dispute.

''(2) CIRCULATION OF REPORTS.—The Trade Representative shall notify and consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in advance of the announced or anticipated circulation of any report of a dispute settlement panel or the Appellate Body of the World Trade Organization or of a dispute settlement panel under any other trade agreement to which the United States is a party with respect to a formal trade dispute by or against the United States.

''(e) DEFINITIONS.—In this section:

''(1) WTO.—The term 'WTO' means the World Trade Organization.

''(2) WTO AGREEMENT.—The term 'WTO Agreement' has the meaning given that term in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

''(3) WTO AGREEMENTS.—The term 'WTO Agreements' means the WTO Agreement and agreements annexed to that Agreement.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 310 and inserting the following:

''Sec. 310. Trade enforcement priorities.''.

SEC. 602. EXERCISE OF WTO AUTHORIZATION TO SUSPEND CONCESSIONS OR OTHER OBLIGATIONS UNDER TRADE AGREEMENTS.

(a) IN GENERAL.—Section 306 of the Trade Act of 1974 (19 U.S.C. 2416) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) EXERCISE OF WTO AUTHORIZATION TO SUSPEND CONCESSIONS OR OTHER OBLIGATIONS.—If—

''(1) action has terminated pursuant to section 307(c),

''(2) the petitioner or any representative of the domestic industry that would benefit from reinstatement of action has submitted to the Trade Representative a written request for reinstatement of action, and

''(3) the Trade Representative has completed the requirements of subsection (d) and section 307(c)(3),

the Trade Representative may at any time determine to take action under section 301(c) to exercise an authorization to suspend concessions or other obligations under Article 22 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16))).''.

(b) CONFORMING AMENDMENTS.—Chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) is amended—

(1) in section 301(c)(1) (19 U.S.C. 2411(c)(1)), in the matter preceding subparagraph (A), by inserting ''or section 306(c)'' after ''subsection (a) or (b)'';

(2) in section 306(b) (19 U.S.C. 2416(b)), in the subsection heading, by striking ''FURTHER ACTION'' and inserting ''ACTION ON THE BASIS OF MONITORING'';

(3) in section 306(d) (19 U.S.C. 2416(d)), as redesignated by subsection (a)(1), by inserting ''or (c)'' after ''subsection (b)''; and

(4) in section 307(c)(3) (19 U.S.C. 2417(c)(3)), by inserting ''or if a request is submitted to the Trade Representative under 306(c)(2) to reinstate action,'' after ''under section 301,''.

SEC. 603. TRADE MONITORING.

(a) IN GENERAL.—Chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding at the end the following:

''SEC. 205. TRADE MONITORING.

''(a) MONITORING TOOL FOR IMPORTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the United States International Trade Commission shall make available on a website of the Commission an import monitoring tool to allow the public access to data on the volume and value of goods imported into the United States for the purpose of assessing whether such data has changed with respect to such goods over a period of time.

''(2) DATA DESCRIBED.—For purposes of the monitoring tool under paragraph (1), the Commission shall use data compiled by the Department of Commerce and such other government data as the Commission considers appropriate.

''(3) PERIODS OF TIME.—The Commission shall ensure that data accessed through the monitoring tool under paragraph (1) includes data for the most recent quarter for which such data are available and previous quarters as the Commission considers practicable.

''(b) MONITORING REPORTS.—

''(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this section, and not less frequently than quarterly thereafter, the Secretary of Commerce shall publish on a website of the Department of Commerce, and notify the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of the availability of, a monitoring report on changes in the volume and value of trade with respect to imports and exports of goods categorized based on the 6-digit subheading number of the goods under the Harmonized Tariff Schedule of the United States during the most recent quarter for which such data are available and previous quarters as the Secretary considers practicable.

''(2) REQUESTS FOR COMMENT.—Not later than one year after the date of the enactment of this section, the Secretary of Commerce shall solicit through the Federal Register public comment on the monitoring reports described in paragraph (1).

''(c) SUNSET.—The requirements under this section terminate on the date that is 7 years after the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by inserting after the item relating to section 204 the following:

''Sec. 205. Trade monitoring.''.

SEC. 604. ESTABLISHMENT OF INTERAGENCY TRADE ENFORCEMENT CENTER.

(a) IN GENERAL.—Chapter 4 of title I of the Trade Act of 1974 (19 U.S.C. 2171) is amended by adding at the end the following:

''SEC. 142. INTERAGENCY TRADE ENFORCEMENT CENTER.

''(a) ESTABLISHMENT OF CENTER.—There is established in the Office of the United States Trade Representative an Interagency Trade Enforcement Center (in this section referred to as the 'Center').

''(b) FUNCTIONS OF CENTER.—

''(1) IN GENERAL.—The Center shall—

''(A) serve as the primary forum within the Federal Government for the Office of the United States Trade Representative and other agencies to coordinate the enforcement of United States trade rights under international trade agreements and the enforcement of United States trade remedy laws;

''(B) coordinate among the Office of the United States Trade Representative and other agencies with responsibilities relating to trade the exchange of information related to potential violations of international trade agreements by foreign trading partners of the United States; and

''(C) conduct outreach to United States workers, businesses, and other interested persons to foster greater participation in the identification and reduction or elimination of foreign trade barriers and unfair foreign trade practices.

''(2) COORDINATION OF TRADE ENFORCEMENT.—

''(A) IN GENERAL.—The Center shall coordinate matters relating to the enforcement of United States trade rights under international trade agreements and the enforcement of United States trade remedy laws among the Office of the United States Trade Representative and the following agencies:

''(i) The Department of State.

''(ii) The Department of the Treasury.

''(iii) The Department of Justice.

''(iv) The Department of Agriculture.

''(v) The Department of Commerce.

''(vi) The Department of Homeland Security.

''(vii) Such other agencies as the President, or the United States Trade Representative, may designate.

''(B) CONSULTATIONS ON INTELLECTUAL PROPERTY RIGHTS.—In matters relating to the enforcement of United States trade rights involving intellectual property rights, the Center shall consult with the Intellectual Property Enforcement Coordinator appointed pursuant to section 301 of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (15 U.S.C. 8111).

''(c) PERSONNEL.—

''(1) DIRECTOR.—The head of the Center shall be the Director, who shall—

''(A) be appointed by the United States Trade Representative from among full-time senior-level officials of the Office of the United States Trade Representative; and

''(B) report to the Trade Representative.

''(2) DEPUTY DIRECTOR.—There shall be in the Center a Deputy Director, who shall—

''(A) be appointed by the Secretary of Commerce from among full-time senior-level officials of the Department of Commerce and detailed to the Center; and

''(B) report directly to the Director.

''(3) ADDITIONAL EMPLOYEES.—The agencies specified in subsection (b)(2)(A) may, in consultation with the Director, detail or assign their employees to the Center without reimbursement to support the functions of the Center.

''(d) ADMINISTRATION.—Funding and administrative support for the Center shall be provided by the Office of the United States Trade Representative.

''(e) ANNUAL REPORT.—Not later than one year after the date of the enactment of this section, and not less frequently than annually thereafter, the Director shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the actions taken by the Center in the preceding year with respect to the enforcement of United States trade rights under international trade agreements and the enforcement of United States trade remedy laws.

''(f) DEFINITIONS.—In this section:

''(1) UNITED STATES TRADE REMEDY LAWS.—The term 'United States trade remedy laws' means the following:

''(A) Chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

''(B) Chapter 1 of title III of that Act (19 U.S.C. 2411 et seq.).

''(C) Sections 406 and 421 of that Act (19 U.S.C. 2436 and 2451).

''(D) Sections 332 and 337 of the Tariff Act of 1930 (19 U.S.C. 1332 and 1337).

''(E) Investigations initiated by the administering authority (as defined in section 771 of that Act (19 U.S.C. 1677)) under title VII of that Act (19 U.S.C. 1671 et seq.).

''(F) Section 281 of the Uruguay Round Agreements Act (19 U.S.C. 3571).

''(2) UNITED STATES TRADE RIGHTS.—The term 'United States trade rights' means any right, benefit, or advantage to which the United States is entitled under an international trade agreement and that could be effectuated through the use of a dispute settlement proceeding.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 141 the following:

''Sec. 142. Interagency Trade Enforcement Center.''.

SEC. 605. ESTABLISHMENT OF CHIEF MANUFACTURING NEGOTIATOR.

(a) ESTABLISHMENT OF POSITION.—Section 141(b)(2) of the Trade Act of 1974 (19 U.S.C. 2171(b)(2)) is amended to read as follows:

''(2) There shall be in the Office 3 Deputy United States Trade Representatives, one Chief Agricultural Negotiator, and one Chief Manufacturing Negotiator, who shall all be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of a Deputy United States Trade Representative, the Chief Agricultural Negotiator, or the Chief Manufacturing Negotiator submitted to the Senate for its advice and consent, and referred to a committee, shall be referred to the Committee on Finance. Each Deputy United States Trade Representative, the Chief Agricultural Negotiator, and the Chief Manufacturing Negotiator shall hold office at the pleasure of the President and shall have the rank of Ambassador.''.

(b) FUNCTIONS OF POSITION.—Section 141(c) of the Trade Act of 1974 (19 U.S.C. 2171(c)) is amended—

(1) by moving paragraph (5) 2 ems to the left; and

(2) by adding at the end the following:

''(6)(A) The principal function of the Chief Manufacturing Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to United States manufacturing products and services. The Chief Manufacturing Negotiator shall be a vigorous advocate on behalf of United States manufacturing interests and shall perform such other functions as the United States Trade Representative may direct.

''(B) Not later than one year after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, and annually thereafter, the Chief Manufacturing Negotiator shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the actions taken by the Chief Manufacturing Negotiator in the preceding year.''.

(c) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by striking ''Chief Agricultural Negotiator.'' and inserting the following:

''Chief Agricultural Negotiator, Office of the United States Trade Representative.

''Chief Manufacturing Negotiator, Office of the United States Trade Representative.''.

(d) TECHNICAL AMENDMENTS.—Section 141(e) of the Trade Act of 1974 (19 U.S.C. 2171(e)) is amended—

(1) in paragraph (1), by striking ''5314'' and inserting ''5315''; and

(2) in paragraph (2), by striking ''the maximum rate of pay for grade GS–18, as provided in section 5332'' and inserting ''the maximum rate of pay for level IV of the Executive Schedule in section 5315''.

SEC. 606. ENFORCEMENT UNDER TITLE III OF THE TRADE ACT OF 1974 WITH RESPECT TO CERTAIN ACTS, POLICIES, AND PRACTICES RELATING TO THE ENVIRONMENT.

Section 301(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2411(d)(3)(B)) is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii)(V), by striking the period at the end and inserting '', or''; and

(3) by adding at the end the following:

''(iv) constitutes a persistent pattern of conduct by the government of the foreign country under which that government—

''(I) fails to effectively enforce the environmental laws of the foreign country,

''(II) waives or otherwise derogates from the environmental laws of the foreign country or weakens the protections afforded by such laws,

''(III) fails to provide for judicial or administrative proceedings giving access to remedies for violations of the environmental laws of the foreign country,

''(IV) fails to provide appropriate and effective sanctions or remedies for violations of the environmental laws of the foreign country, or

''(V) fails to effectively enforce environmental commitments under agreements to which the foreign country and the United States are a party.''.

SEC. 607. TRADE ENFORCEMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Trade Enforcement Trust Fund (in this section referred to as the ''Trust Fund''), consisting of amounts transferred to the Trust Fund under subsection (b) and any amounts that may be credited to the Trust Fund under subsection (c).

(b) TRANSFER OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the Trust Fund, from the general fund of the Treasury, for each fiscal year that begins on or after the date of the enactment of this Act, an amount equal to $15,000,000 (or a lesser amount as required pursuant to paragraph (2)) of the antidumping duties and countervailing duties received in the Treasury for such fiscal year.

(2) LIMITATION.—The total amount in the Trust Fund at any time may not exceed $30,000,000.

(3) FREQUENCY OF TRANSFERS; ADJUSTMENTS.—

(A) FREQUENCY OF TRANSFERS.—The Secretary shall transfer amounts required to be transferred to the Trust Fund under paragraph (1) not less frequently than quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary.

(B) ADJUSTMENTS.—The Secretary shall make proper adjustments in amounts subsequently transferred to the Trust Fund to the extent prior estimates were in excess of or less than the amounts required to be transferred to the Trust Fund.

(c) INVESTMENT OF AMOUNTS.—

(1) INVESTMENT OF AMOUNTS.—The Secretary shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in Trust Fund shall be credited to and form a part of the Trust Fund.

(d) AVAILABILITY OF AMOUNTS FROM TRUST FUND.—

(1) ENFORCEMENT.—The United States Trade Representative may use the amounts in the Trust fund to carry out any of the following:

(A) To seek to enforce the provisions of and commitments and obligations under the WTO Agreements and free trade agreements to which the United States is a party and resolve any actions by foreign countries that are inconsistent with those provisions, commitments, and obligations.

(B) To monitor the implementation by foreign countries of the provisions of and commitments and obligations under free trade agreements to which the United States is a party for purposes of systematically assessing, identifying, investigating, or initiating steps to address inconsistencies with those provisions, commitments, and obligations.

(C) To thoroughly investigate and respond to petitions under section 302 of the Trade Act of 1974 (19 U.S.C. 2412) requesting that action be taken under section 301 of such Act (19 U.S.C. 2411).

(2) IMPLEMENTATION ASSISTANCE AND CAPACITY BUILDING.—The United States Trade Representative, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Labor, and such heads of other Federal agencies as the President considers appropriate

may use the amounts in the Trust Fund to carry out any of the following:

(A) To ensure capacity-building efforts undertaken by the United States pursuant to any free trade agreement to which the United States is a party prioritize and give special attention to the timely, consistent, and robust implementation of the intellectual property, labor, and environmental commitments and obligations of any party to that free trade agreement.

(B) To ensure capacity-building efforts undertaken by the United States pursuant to any such free trade agreement are self-sustaining and promote local ownership.

(C) To ensure capacity-building efforts undertaken by the United States pursuant to any such free trade agreement include performance indicators against which the progress and obstacles for the implementation of commitments and obligations described in subparagraph (A) can be identified and assessed within a meaningful time frame.

(D) To monitor and evaluate the capacity-building efforts of the United States under subparagraphs (A), (B), and (C).

(3) LIMITATION.—Amounts made available in the Trust Fund may not be used for negotiations for any free trade agreement to be entered into on or after the date of the enactment of this Act.

(e) REPORT.—Not later than 18 months after the entry into force of any free trade agreement entered into after the date of the enactment of this Act, the United States Trade Representative, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Labor, and any other head of a Federal agency who has used amounts in the Trust Fund in connection with that agreement, shall each submit to Congress a report on the actions taken by that official under subsection (d) in connection with that agreement.

(f) COMPTROLLER GENERAL STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that includes the following:

(A) A comprehensive analysis of the trade enforcement expenditures of each Federal agency with responsibilities relating to trade that specifies, with respect to each such Federal agency—

(i) the amounts appropriated for trade enforcement; and

(ii) the number of full-time employees carrying out activities relating to trade enforcement.

(B) Recommendations on the additional employees and resources that each such Federal agency may need to effectively enforce the free trade agreements to which the United States is a party.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study conducted under paragraph (1).

(g) DEFINITIONS.—In this section:

(1) ANTIDUMPING DUTY.—The term ''antidumping duty'' means an antidumping duty imposed under section 731 of the Tariff Act of 1930 (19 U.S.C. 1673).

(2) COUNTERVAILING DUTY.—The term ''countervailing duty'' means a countervailing duty imposed under section 701 of the Tariff Act of 1930 (19 U.S.C. 1671).

(3) WTO.—The term ''WTO'' means the World Trade Organization.

(4) WTO AGREEMENT.—The term ''WTO Agreement'' has the meaning given that term in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

(5) WTO AGREEMENTS.—The term ''WTO Agreements'' means the WTO Agreement and agreements annexed to that Agreement.

SEC. 608. HONEY TRANSSHIPMENT.

(a) IN GENERAL.—The Commissioner shall direct appropriate personnel and resources of U.S. Customs and Border Protection to address concerns that honey is being imported into the United States in violation of the customs and trade laws of the United States.

(b) COUNTRY OF ORIGIN.—

(1) IN GENERAL.—The Commissioner shall compile a database of the individual characteristics of honey produced in foreign countries to facilitate the verification of country of origin markings of imported honey.

(2) ENGAGEMENT WITH FOREIGN GOVERNMENTS.—The Commissioner shall seek to engage the customs agencies of foreign governments for assistance in compiling the database described in paragraph (1).

(3) CONSULTATION WITH INDUSTRY.—In compiling the database described in paragraph (1), the Commissioner shall consult with entities in the honey industry regarding the development of industry standards for honey identification.

(4) CONSULTATION WITH FOOD AND DRUG ADMINISTRATION.—In compiling the database described in paragraph (1), the Commissioner shall consult with the Commissioner of Food and Drugs.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) describes and assesses the limitations in the existing analysis capabilities of laboratories with respect to determining the country of origin of honey samples or the percentage of honey contained in a sample; and

(2) includes any recommendations of the Commissioner for improving such capabilities.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the Commissioner of Food and Drugs should promptly establish a national standard of identity for honey for the Commissioner responsible for U.S. Customs and Border Protection to use to ensure that imports of honey are—

(1) classified accurately for purposes of assessing duties; and

(2) denied entry into the United States if such imports pose a threat to the health or safety of consumers in the United States.

SEC. 609. INCLUSION OF INTEREST IN CERTAIN DISTRIBUTIONS OF ANTIDUMPING DUTIES AND COUNTERVAILING DUTIES.

(a) IN GENERAL.—The Secretary of Homeland Security shall deposit all interest described in subsection (c) into the special account established under section 754(e) of the Tariff Act of 1930 (19 U.S.C. 1675c(e)) (repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154)) for inclusion in distributions described in subsection (b) made on or after the date of the enactment of this Act.

(b) DISTRIBUTIONS DESCRIBED.—Distributions described in this subsection are distributions of antidumping duties and countervailing duties assessed on or after October 1, 2000, that are made under section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c) (repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154)), with respect to entries of merchandise—

(1) made on or before September 30, 2007; and

(2) that were, in accordance with section 822 of the Claims Resolution Act of 2010 (19 U.S.C. 1675c note), unliquidated, not in litigation, and not under an order of liquidation from the Department of Commerce on December 8, 2010.

(c) INTEREST DESCRIBED.—

(1) INTEREST REALIZED.—Interest described in this subsection is interest earned on antidumping duties or countervailing duties distributed as described in subsection (b) that is realized through application of a payment received on or after October 1, 2014, by U.S. Customs and Border Protection under, or in connection with—

(A) a customs bond pursuant to a court order or judgment entered as a result of a civil action filed by the Federal Government against the surety from which the payment was obtained for the purpose of collecting duties or interest owed with respect to an entry; or

(B) a settlement for any such bond if the settlement was executed after the Federal Government filed a civil action described in subparagraph (A).

(2) TYPES OF INTEREST.—Interest described in paragraph (1) includes the following:

(A) Interest accrued under section 778 of the Tariff Act of 1930 (19 U.S.C. 1677g).

(B) Interest accrued under section 505(d) of the Tariff Act of 1930 (19 U.S.C. 1505(d)).

(C) Equitable interest under common law or interest under section 963 of the Revised Statutes (19 U.S.C. 580) awarded by a court against a surety under its bond for late payment of antidumping duties, countervailing duties, or interest described in subparagraph (A) or (B).

(d) DEFINITIONS.—In this section:

(1) ANTIDUMPING DUTIES.—The term ''antidumping duties'' means antidumping duties imposed under section 731 of the Tariff Act of 1930 (19 U.S.C. 1673) or under the Antidumping Act, 1921 (title II of the Act of May 27, 1921; 42 Stat. 11, chapter 14).

(2) COUNTERVAILING DUTIES.—The term ''countervailing duties'' means countervailing duties imposed under section 701 of the Tariff Act of 1930 (19 U.S.C. 1671).

SEC. 610. ILLICITLY IMPORTED, EXPORTED, OR TRAFFICKED CULTURAL PROPERTY, ARCHAEOLOGICAL OR ETHNOLOGICAL MATERIALS, AND FISH, WILDLIFE, AND PLANTS.

(a) IN GENERAL.—The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall ensure that appropriate personnel of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, as the case may be, are trained in the detection, identification, detention, seizure, and forfeiture of cultural property, archaeological or ethnological materials, and fish, wildlife, and plants, the importation, exportation, or trafficking of which violates the laws of the United States.

(b) TRAINING.—The Commissioner and the Director are authorized to accept training and other support services from experts outside of the Federal Government with respect to the detection, identification, detention, seizure, and forfeiture of cultural property, archaeological or ethnological materials, or fish, wildlife, and plants described in subsection (a).

Subtitle B—Intellectual Property Rights Protection

SEC. 611. ESTABLISHMENT OF CHIEF INNOVATION AND INTELLECTUAL PROPERTY NEGOTIATOR.

(a) IN GENERAL.—Section 141 of the Trade Act of 1974 (19 U.S.C. 2171) is amended—

(1) in subsection (b)(2), as amended by section 605(a) of this Act—

(A) by striking ''and one Chief Manufacturing Negotiator'' and inserting ''one Chief Manufacturing Negotiator, and one Chief Innovation and Intellectual Property Negotiator'';

(B) by striking ''or the Chief Manufacturing Negotiator'' and inserting ''the Chief Manufacturing Negotiator, or the Chief Innovation and Intellectual Property Negotiator''; and

(C) by striking ''and the Chief Manufacturing Negotiator'' and inserting ''the Chief

Manufacturing Negotiator, and the Chief Innovation and Intellectual Property Negotiator''; and

(2) in subsection (c), as amended by section 605(b) of this Act, by adding at the end the following:

''(7) The principal functions of the Chief Innovation and Intellectual Property Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to United States intellectual property and to take appropriate actions to address acts, policies, and practices of foreign governments that have a significant adverse impact on the value of United States innovation. The Chief Innovation and Intellectual Property Negotiator shall be a vigorous advocate on behalf of United States innovation and intellectual property interests. The Chief Innovation and Intellectual Property Negotiator shall perform such other functions as the United States Trade Representative may direct.''.

(b) COMPENSATION.—Section 5314 of title 5, United States Code, as amended by section 605(c) of this Act, is further amended by inserting after ''Chief Manufacturing Negotiator, Office of the United States Trade Representative.'' the following:

''Chief Innovation and Intellectual Property Negotiator, Office of the United States Trade Representative.''.

(c) REPORT REQUIRED.—Not later than one year after the appointment of the first Chief Innovation and Intellectual Property Negotiator pursuant to paragraph (2) of section 141(b) of the Trade Act of 1974, as amended by subsection (a), and annually thereafter, the United States Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report describing in detail—

(1) enforcement actions taken by the Trade Representative during the year preceding the submission of the report to ensure the protection of United States innovation and intellectual property interests; and

(2) other actions taken by the Trade Representative to advance United States innovation and intellectual property interests.

SEC. 612. MEASURES RELATING TO COUNTRIES THAT DENY ADEQUATE PROTECTION FOR INTELLECTUAL PROPERTY RIGHTS.

(a) INCLUSION OF COUNTRIES THAT DENY ADEQUATE PROTECTION OF TRADE SECRETS.—Section 182(d)(2) of the Trade Act of 1974 (19 U.S.C. 2242(d)(2)) is amended by inserting '', trade secrets,'' after ''copyrights''.

(b) SPECIAL RULES FOR COUNTRIES ON THE PRIORITY WATCH LIST OF THE UNITED STATES TRADE REPRESENTATIVE.—

(1) IN GENERAL.—Section 182 of the Trade Act of 1974 (19 U.S.C. 2242) is amended by striking subsection (g) and inserting the following:

''(g) SPECIAL RULES FOR FOREIGN COUNTRIES ON THE PRIORITY WATCH LIST.—

''(1) ACTION PLANS.—

''(A) IN GENERAL.—Not later than 90 days after the date on which the Trade Representative submits the National Trade Estimate under section 181(b), the Trade Representative shall develop an action plan described in subparagraph (C) with respect to each foreign country described in subparagraph (B).

''(B) FOREIGN COUNTRY DESCRIBED.—The Trade Representative shall develop an action plan pursuant to subparagraph (A) with respect to each foreign country that—

''(i) the Trade Representative has identified for placement on the priority watch list; and

''(ii) has remained on such list for at least 1 year.

''(C) ACTION PLAN DESCRIBED.—An action plan developed pursuant to subparagraph (A) shall contain the benchmarks described in subparagraph (D) and be designed to assist the foreign country—

''(i) to achieve—

''(I) adequate and effective protection of intellectual property rights; and

''(II) fair and equitable market access for United States persons that rely upon intellectual property protection; or

''(ii) to make significant progress toward achieving the goals described in clause (i).

''(D) BENCHMARKS DESCRIBED.—The benchmarks contained in an action plan developed pursuant to subparagraph (A) are such legislative, institutional, enforcement, or other actions as the Trade Representative determines to be necessary for the foreign country to achieve the goals described in clause (i) or (ii) of subparagraph (C).

''(2) FAILURE TO MEET ACTION PLAN BENCHMARKS.—If, 1 year after the date on which an action plan is developed under paragraph (1)(A), the President, in consultation with the Trade Representative, determines that the foreign country to which the action plan applies has not substantially complied with the benchmarks described in paragraph (1)(D), the President may take appropriate action with respect to the foreign country.

''(3) PRIORITY WATCH LIST DEFINED.—In this subsection, the term 'priority watch list' means the priority watch list established by the Trade Representative.

''(h) ANNUAL REPORT.—Not later than 30 days after the date on which the Trade Representative submits the National Trade Estimate under section 181(b), the Trade Representative shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on actions taken under this section during the 12 months preceding such report, and the reasons for such actions, including—

''(1) any foreign countries identified under subsection (a);

''(2) a description of progress made in achieving improved intellectual property protection and market access for persons relying on intellectual property rights; and

''(3) a description of the action plans developed under subsection (g) and any actions taken by foreign countries under such plans.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Office of the United States Trade Representative such sums as may be necessary to provide assistance to any developing country to which an action plan applies under section 182(g) of the Trade Act of 1974, as amended by paragraph (1), to facilitate the efforts of the developing country to comply with the benchmarks contained in the action plan. Such assistance may include capacity building, activities designed to increase awareness of intellectual property rights, and training for officials responsible for enforcing intellectual property rights in the developing country.

(B) DEVELOPING COUNTRY DEFINED.—In this paragraph, the term ''developing country'' means a country classified by the World Bank as having a low-income or lower-middle-income economy.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as limiting the authority of the President or the United States Trade Representative to develop action plans other than action plans described in section 182(g) of the Trade Act of 1974, as amended by paragraph (1), or to take any action otherwise authorized by law in response to the failure of a foreign country to provide adequate and effective protection and enforcement of intellectual property rights.

TITLE VII—CURRENCY MANIPULATION

Subtitle A—Investigation of Currency Undervaluation

SEC. 701. SHORT TITLE.

This subtitle may be cited as the ''Currency Undervaluation Investigation Act''.

SEC. 702. INVESTIGATION OR REVIEW OF CURRENCY UNDERVALUATION UNDER COUNTERVAILING DUTY LAW.

Subsection (c) of section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a(c)) is amended by adding at the end the following:

''(6) CURRENCY UNDERVALUATION.—For purposes of a countervailing duty investigation under this subtitle in which the determinations under clauses (i) and (ii) of paragraph (1)(A) are affirmative, or a review under subtitle C with respect to a countervailing duty order, the administering authority shall initiate an investigation to determine whether currency undervaluation by the government of a country or any public entity within the territory of a country is providing, directly or indirectly, a countervailable subsidy, if—

''(A) a petition filed by an interested party (described in subparagraph (C), (D), (E), (F), or (G) of section 771(9)) alleges the elements necessary for the imposition of the duty imposed by section 701(a); and

''(B) the petition is accompanied by information reasonably available to the petitioner supporting those allegations.''.

SEC. 703. BENEFIT CALCULATION METHODOLOGY WITH RESPECT TO CURRENCY UNDERVALUATION.

Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end the following:

''(37) CURRENCY UNDERVALUATION BENEFIT.—

''(A) CURRENCY UNDERVALUATION BENEFIT.—For purposes of a countervailing duty investigation under subtitle A, or a review under subtitle C with respect to a countervailing duty order, the following shall apply:

''(i) IN GENERAL.—If the administering authority determines to investigate whether currency undervaluation provides a countervailable subsidy, the administering authority shall determine whether there is a benefit to the recipient of that subsidy and measure such benefit by comparing the simple average of the real exchange rates derived from application of the macroeconomic-balance approach and the equilibrium-real-exchange-rate approach to the official daily exchange rate identified by the administering authority.

''(ii) RELIANCE ON DATA.—In making the determination under clause (i), the administering authority shall rely upon data that are publicly available, reliable, and compiled and maintained by the International Monetary Fund or the World Bank, or other international organizations or national governments if data from the International Monetary Fund or World Bank are not available.

''(B) DEFINITIONS.—In this paragraph:

''(i) MACROECONOMIC-BALANCE APPROACH.—The term 'macroeconomic-balance approach' means a methodology under which the level of undervaluation of the real effective exchange rate of the currency of the exporting country is defined as the change in the real effective exchange rate needed to achieve equilibrium in the balance of payments of the exporting country, as such methodology is described in the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues, if available.

''(ii) EQUILIBRIUM-REAL-EXCHANGE-RATE APPROACH.—The term 'equilibrium-real-exchange-rate approach' means a methodology under which the level of undervaluation of the real effective exchange rate of the currency of the exporting country is defined as the difference between the observed real effective exchange rate and the real effective

exchange rate, as such methodology is described in the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues, if available.

''(iii) REAL EXCHANGE RATES.—The term 'real exchange rates' means the bilateral exchange rates derived from converting the trade-weighted multilateral exchange rates yielded by the macroeconomic-balance approach and the equilibrium-real-exchange-rate approach into real bilateral terms.''.

SEC. 704. MODIFICATION OF DEFINITION OF SPECIFICITY WITH RESPECT TO EXPORT SUBSIDY.

Section 771(5A)(B) of the Tariff Act of 1930 (19 U.S.C. 1677(5A)(B)) is amended by adding at the end the following new sentence: ''The fact that a subsidy may also be provided in circumstances that do not involve export shall not, for that reason alone, mean that the subsidy cannot be considered contingent upon export performance.''.

SEC. 705. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this subtitle shall apply with respect to goods from Canada and Mexico.

SEC. 706. EFFECTIVE DATE.

The amendments made by this subtitle apply to countervailing duty investigations initiated under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and reviews initiated under subtitle C of title VII of such Act (19 U.S.C. 1675 et seq.)—

(1) before the date of the enactment of this Act, if the investigation or review is pending a final determination as of such date of enactment; and

(2) on or after such date of enactment.

Subtitle B—Engagement on Currency Exchange Rate and Economic Policies

SEC. 711. ENHANCEMENT OF ENGAGEMENT ON CURRENCY EXCHANGE RATE AND ECONOMIC POLICIES WITH CERTAIN MAJOR TRADING PARTNERS OF THE UNITED STATES.

(a) MAJOR TRADING PARTNER REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once every 180 days thereafter, the Secretary shall submit to the appropriate committees of Congress a report on the macroeconomic and currency exchange rate policies of each country that is a major trading partner of the United States.

(2) ELEMENTS.—

(A) IN GENERAL.—Each report submitted under paragraph (1) shall contain—

(i) for each country that is a major trading partner of the United States—

(I) that country's bilateral trade balance with the United States;

(II) that country's current account balance as a percentage of its gross domestic product;

(III) the change in that country's current account balance as a percentage of its gross domestic product during the 3-year period preceding the submission of the report;

(IV) that country's foreign exchange reserves as a percentage of its short-term debt; and

(V) that country's foreign exchange reserves as a percentage of its gross domestic product; and

(ii) an enhanced analysis of macroeconomic and exchange rate policies for each country—

(I) that is a major trading partner of the United States;

(II) the currency of which is persistently and substantially undervalued;

(III) that has—

(aa) a significant bilateral trade surplus with the United States; and

(bb) a material global current account surplus; and

(IV) that has engaged in persistent one-sided intervention in the foreign exchange market.

(B) ENHANCED ANALYSIS.—Each enhanced analysis under subparagraph (A)(ii) shall include, for each country with respect to which an analysis is made under that subparagraph—

(i) a description of developments in the currency markets of that country, including, to the greatest extent feasible, developments with respect to currency interventions;

(ii) a description of trends in the real effective exchange rate of the currency of that country and in the degree of undervaluation of that currency;

(iii) an analysis of changes in the capital controls and trade restrictions of that country; and

(iv) patterns in the reserve accumulation of that country.

(b) ENGAGEMENT ON EXCHANGE RATE AND ECONOMIC POLICIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the President, through the Secretary, shall commence enhanced bilateral engagement with each country for which an enhanced analysis of macroeconomic and currency exchange rate policies is included in the report submitted under subsection (a), in order to—

(A) urge implementation of policies to address the causes of the undervaluation of its currency, its bilateral trade surplus with the United States, and its material global current account surplus, including undervaluation and surpluses relating to exchange rate management;

(B) express the concern of the United States with respect to the adverse trade and economic effects of that undervaluation and those surpluses;

(C) develop measurable objectives for addressing that undervaluation and those surpluses; and

(D) advise that country of the ability of the President to take action under subsection (c).

(2) EXCEPTION.—The Secretary may determine not to enhance bilateral engagement with a country under paragraph (1) for which an enhanced analysis of macroeconomic and exchange rate policies is included in the report submitted under subsection (a) if the Secretary submits to the appropriate committees of Congress a report that describes how the currency and other macroeconomic policies of that country are addressing the undervaluation and surpluses specified in paragraph (1)(A) with respect to that country, including undervaluation and surpluses relating to exchange rate management.

(c) REMEDIAL ACTION.—

(1) IN GENERAL.—If, on the date that is one year after the commencement of enhanced bilateral engagement by the President with respect to a country under subsection (b)(1), the country has failed to adopt appropriate policies to correct the undervaluation and surpluses described in subsection (b)(1)(A) with respect to that country, the President may take one or more of the following actions:

(A) Prohibit the Overseas Private Investment Corporation from approving any new financing (including any insurance, reinsurance, or guarantee) with respect to a project located in that country on and after such date.

(B) Except as provided in paragraph (2), and pursuant to paragraph (3), prohibit the Federal Government from procuring, or entering into any contract for the procurement of, goods or services from that country on and after such date.

(C) Instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to call for additional rigorous surveillance of the macroeconomic and exchange rate policies of that country and, as appropriate, formal consultations on findings of currency manipulation.

(D) Instruct the United States Trade Representative to take into account, in consultation with the Secretary, in assessing whether to enter into a bilateral or regional trade agreement with that country or to initiate or participate in negotiations with respect to a bilateral or regional trade agreement with that country, the extent to which that country has failed to adopt appropriate policies to correct the undervaluation and surpluses described in subsection (b)(1)(A).

(2) EXCEPTION.—The President may not apply a prohibition under paragraph (1)(B) with respect to a country that is a party to the Agreement on Government Procurement or a free trade agreement to which the United States is a party.

(3) CONSULTATIONS.—

(A) OFFICE OF MANAGEMENT AND BUDGET.—Before applying a prohibition under paragraph (1)(B), the President shall consult with the Director of the Office of Management and Budget to determine whether such prohibition would subject the taxpayers of the United States to unreasonable cost.

(B) CONGRESS.—The President shall consult with the appropriate committees of Congress with respect to any action the President takes under paragraph (1)(B), including whether the President has consulted as required under subparagraph (A).

(d) DEFINITIONS.—In this section:

(1) AGREEMENT ON GOVERNMENT PROCUREMENT.—The term ''Agreement on Government Procurement'' means the agreement referred to in section 101(d)(17) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(17)).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate; and

(B) the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(3) COUNTRY.—The term ''country'' means a foreign country, dependent territory, or possession of a foreign country, and may include an association of 2 or more foreign countries, dependent territories, or possessions of countries into a customs union outside the United States.

(4) REAL EFFECTIVE EXCHANGE RATE.—The term ''real effective exchange rate'' means a weighted average of bilateral exchange rates, expressed in price-adjusted terms.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

SEC. 712. ADVISORY COMMITTEE ON INTERNATIONAL EXCHANGE RATE POLICY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an Advisory Committee on International Exchange Rate Policy (in this section referred to as the ''Committee'').

(2) DUTIES.—The Committee shall be responsible for advising the Secretary of the Treasury with respect to the impact of international exchange rates and financial policies on the economy of the United States.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of 9 members as follows, none of whom shall be employees of the Federal Government:

(A) Three members shall be appointed by the President pro tempore of the Senate, upon the recommendation of the chairmen and ranking members of the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate.

(B) Three members shall be appointed by the Speaker of the House of Representatives upon the recommendation of the chairmen and ranking members of the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(C) Three members shall be appointed by the President.

(2) QUALIFICATIONS.—Members shall be selected under paragraph (1) on the basis of their objectivity and demonstrated expertise in finance, economics, or currency exchange.

(3) TERMS.—

(A) IN GENERAL.—Members shall be appointed for a term of 2 years or until the Committee terminates.

(B) REAPPOINTMENT.—A member may be reappointed to the Committee for additional terms.

(4) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) DURATION OF COMMITTEE.—

(1) IN GENERAL.—The Committee shall terminate on the date that is 2 years after the date of the enactment of this Act unless renewed by the President for a subsequent 2-year period.

(2) CONTINUED RENEWAL.—The President may continue to renew the Committee for successive 2-year periods by taking appropriate action to renew the Committee prior to the date on which the Committee would otherwise terminate.

(d) MEETINGS.—The Committee shall hold not less than 2 meetings each calendar year.

(e) CHAIRPERSON.—

(1) IN GENERAL.—The Committee shall elect from among its members a chairperson for a term of 2 years or until the Committee terminates.

(2) REELECTION; SUBSEQUENT TERMS.—A chairperson of the Committee may be reelected chairperson but is ineligible to serve consecutive terms as chairperson.

(f) STAFF.—The Secretary of the Treasury shall make available to the Committee such staff, information, personnel, administrative services, and assistance as the Committee may reasonably require to carry out the activities of the Committee.

(g) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

(2) EXCEPTION.—Meetings of the Committee shall be exempt from the requirements of subsections (a) and (b) of section 10 and section 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or the Secretary of the Treasury that such meetings will be concerned with matters the disclosure of which—

(A) would seriously compromise the development by the Government of the United States of monetary or financial policy; or

(B) is likely to—

(i) lead to significant financial speculation in currencies, securities, or commodities; or

(ii) significantly endanger the stability of any financial institution.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury for each fiscal year in which the Committee is in effect $1,000,000 to carry out this section.

TITLE VIII—PROCESS FOR CONSIDERATION OF TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS

SEC. 801. SHORT TITLE.

This title may be cited as the ''American Manufacturing Competitiveness Act of 2015''.

SEC. 802. SENSE OF CONGRESS ON THE NEED FOR A MISCELLANEOUS TARIFF BILL.

(a) FINDINGS.—Congress makes the following findings:

(1) As of the date of the enactment of this Act, the Harmonized Tariff Schedule of the United States imposes duties on imported goods for which there is no domestic availability or insufficient domestic availability.

(2) The imposition of duties on such goods creates artificial distortions in the economy of the United States that negatively affect United States manufacturers and consumers.

(3) It is in the interests of the United States to update the Harmonized Tariff Schedule every 3 years to eliminate such artificial distortions by suspending or reducing duties on such goods.

(4) The manufacturing competitiveness of the United States around the world will be enhanced if Congress regularly and predictably updates the Harmonized Tariff Schedule to suspend or reduce duties on such goods.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, to remove the competitive disadvantage to United States manufactures and consumers resulting from an outdated Harmonized Tariff Schedule and to promote the competitiveness of United States manufacturers, Congress should consider a miscellaneous tariff bill not later than 180 days after the United States International Trade Commission and the Department of Commerce issue reports on proposed duty suspensions and reductions under this title.

SEC. 803. PROCESS FOR CONSIDERATION OF DUTY SUSPENSIONS AND REDUCTIONS.

(a) PURPOSE.—It is the purpose of this section to establish a process by the appropriate congressional committees, in conjunction with the Commission pursuant to its authorities under section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), for the submission and consideration of proposed duty suspensions and reductions.

(b) ESTABLISHMENT.—Not later than October 15, 2015, and October 15, 2018, the appropriate congressional committees shall establish and, on the same day, publish on their respective publicly available Internet websites a process—

(1) to provide for the submission and consideration of legislation containing proposed duty suspensions and reductions in a manner that, to the maximum extent practicable, is consistent with the requirements described in subsection (c); and

(2) to include in a miscellaneous tariff bill those duty suspensions and reductions that meet the requirements of this title.

(c) REQUIREMENTS OF COMMISSION.—

(1) INITIATION.—Not later than October 15, 2015, and October 15, 2018, the Commission shall publish in the Federal Register and on a publicly available Internet website of the Commission a notice requesting members of the public to submit to the Commission during the 60-day period beginning on the date of such publication—

(A) proposed duty suspensions and reductions; and

(B) Commission disclosure forms with respect to such duty suspensions and reductions.

(2) REVIEW.—

(A) COMMISSION SUBMISSION TO CONGRESS.—As soon as practicable after the expiration of the 60-day period specified in paragraph (1), but not later than 15 days after the expiration of such 60-day period, the Commission shall submit to the appropriate congressional committees the proposed duty suspensions and reductions submitted under paragraph (1)(A) and the Commission disclosure forms with respect to such duty suspensions and reductions submitted under paragraph (1)(B).

(B) PUBLIC AVAILABILITY OF PROPOSED DUTY SUSPENSIONS AND REDUCTIONS.—Not later than 15 days after the expiration of the 60-day period specified in paragraph (1), the Commission shall publish on a publicly available Internet website of the Commission the proposed duty suspensions and reductions submitted under paragraph (1)(A) and the Commission disclosure forms with respect to such duty suspensions and reductions submitted under paragraph (1)(B).

(C) COMMISSION REPORTS TO CONGRESS.—Not later than the end of the 90-day period beginning on the date of publication of the proposed duty suspensions and reductions under subparagraph (B), the Commission shall submit to the appropriate congressional committees a report on each proposed duty suspension or reduction submitted pursuant to subsection (b)(1) or paragraph (1)(A) that contains the following information:

(i) A determination of whether or not domestic production of the article that is the subject of the proposed duty suspension or reduction exists and, if such production exists, whether or not a domestic producer of the article objects to the proposed duty suspension or reduction.

(ii) Any technical changes to the article description that are necessary for purposes of administration when articles are presented for importation.

(iii) The amount of tariff revenue that would no longer be collected if the proposed duty suspension or reduction takes effect.

(iv) A determination of whether or not the proposed duty suspension or reduction is available to any person that imports the article that is the subject of the proposed duty suspension or reduction.

(3) PROCEDURES.—The Commission shall prescribe and publish on a publicly available Internet website of the Commission procedures for complying with the requirements of this subsection.

(4) AUTHORITIES DESCRIBED.—The Commission shall carry out this subsection pursuant to its authorities under section 332 of the Tariff Act of 1930 (19 U.S.C. 1332).

(d) DEPARTMENT OF COMMERCE REPORT.—Not later than the end of the 90-day period beginning on the date of publication of the proposed duty suspensions and reductions under subsection (c)(2)(B), the Secretary of Commerce, in consultation with U.S. Customs and Border Protection and other relevant Federal agencies, shall submit to the appropriate congressional committees a report on each proposed duty suspension and reduction submitted pursuant to subsection (b)(1) or (c)(1)(A) that includes the following information:

(1) A determination of whether or not domestic production of the article that is the subject of the proposed duty suspension or reduction exists and, if such production exists, whether or not a domestic producer of the article objects to the proposed duty suspension or reduction.

(2) Any technical changes to the article description that are necessary for purposes of administration when articles are presented for importation.

(e) RULE OF CONSTRUCTION.—A proposed duty suspension or reduction submitted under this section by a Member of Congress shall receive treatment no more favorable than the treatment received by a proposed duty suspension or reduction submitted under this section by a member of the public.

SEC. 804. REPORT ON EFFECTS OF DUTY SUSPENSIONS AND REDUCTIONS ON UNITED STATES ECONOMY.

(a) IN GENERAL.—Not later than May 1, 2018, and May 1, 2020, the Commission shall submit to the appropriate congressional committees a report on the effects on the United States economy of temporary duty suspensions and reductions enacted pursuant to this title, including a broad assessment of the economic effects of such duty suspensions and reductions on producers, purchasers, and consumers in the United States, using case studies describing such effects on selected industries or by type of article as available data permit.

(b) RECOMMENDATIONS.—The Commission shall also solicit and append to the report required under subsection (a) recommendations with respect to those domestic industry sectors or specific domestic industries that might benefit from permanent duty suspensions and reductions or elimination of duties, either through a unilateral action of the United States or though negotiations for reciprocal tariff agreements, with a particular focus on inequities created by tariff inversions.

(c) FORM OF REPORT.—Each report required by this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 805. JUDICIAL REVIEW PRECLUDED.

The exercise of functions under this title shall not be subject to judicial review.

SEC. 806. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(2) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

(3) COMMISSION DISCLOSURE FORM.—The term ''Commission disclosure form'' means, with respect to a proposed duty suspension or reduction, a document submitted by a member of the public to the Commission that contains the following:

(A) The contact information for any known importers of the article to which the proposed duty suspension or reduction would apply.

(B) A certification by the member of the public that the proposed duty suspension or reduction is available to any person importing the article to which the proposed duty suspension or reduction would apply.

(4) DOMESTIC PRODUCER.—The term ''domestic producer'' means a person that demonstrates production, or imminent production, in the United States of an article that is identical to, or like or directly competitive with, an article to which a proposed duty suspension or reduction would apply.

(5) DUTY SUSPENSION OR REDUCTION.—

(A) IN GENERAL.—The term ''duty suspension or reduction'' means an amendment to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States that—

(i)(I) extends an existing temporary duty suspension or reduction of duty on an article under that subchapter; or

(II) provides for a new temporary duty suspension or reduction of duty on an article under that subchapter; and

(ii) otherwise meets the requirements described in subparagraph (B).

(B) REQUIREMENTS.—A duty suspension or reduction meets the requirements described in this subparagraph if—

(i) the duty suspension or reduction can be administered by U.S. Customs and Border Protection;

(ii) the estimated loss in revenue to the United States from the duty suspension or reduction does not exceed $500,000 in a calendar year during which the duty suspension or reduction would be in effect, as determined by the Congressional Budget Office; and

(iii) the duty suspension or reduction is available to any person importing the article that is the subject of the duty suspension or reduction.

(6) MEMBER OF CONGRESS.—The term ''Member of Congress'' means a Senator or a Representative in, or Delegate or Resident Commissioner to, Congress.

(7) MISCELLANEOUS TARIFF BILL.—The term ''miscellaneous tariff bill'' means a bill of either House of Congress that contains only—

(A) duty suspensions and reductions that—

(i) meet the applicable requirements for—

(I) consideration of duty suspensions and reductions described in section 803; or

(II) any other process required under the Rules of the House of Representatives or the Senate; and

(ii) are not the subject of an objection because such duty suspensions and reductions do not comply with the requirements of this title from—

(I) a Member of Congress; or

(II) a domestic producer, as contained in comments submitted to the appropriate congressional committees, the Commission, or the Department of Commerce under section 803; and

(B) provisions included in bills introduced in the House of Representatives or the Senate pursuant to a process described in subparagraph (A)(i)(II) that correct an error in the text or administration of a provision of the Harmonized Tariff Schedule of the United States.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. DE MINIMIS VALUE.

(a) FINDINGS.—Congress makes the following findings:

(1) Modernizing international customs is critical for United States businesses of all sizes, consumers in the United States, and the economic growth of the United States.

(2) Higher thresholds for the value of articles that may be entered informally and free of duty provide significant economic benefits to businesses and consumers in the United States and the economy of the United States through costs savings and reductions in trade transaction costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Trade Representative should encourage other countries, through bilateral, regional, and multilateral fora, to establish commercially meaningful de minimis values for express and postal shipments that are exempt from customs duties and taxes and from certain entry documentation requirements, as appropriate.

(c) DE MINIMIS VALUE.—Section 321(a)(2)(C) of the Tariff Act of 1930 (19 U.S.C. 1321(a)(2)(C)) is amended by striking ''$200'' and inserting ''$800''.

(d) EFFECTIVE DATE.—The amendment made by subsection (c) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 902. CONSULTATION ON TRADE AND CUSTOMS REVENUE FUNCTIONS.

Section 401(c) of the Safety and Accountability for Every Port Act (6 U.S.C. 115(c)) is amended—

(1) in paragraph (1), by striking ''on Department policies and actions that have'' and inserting ''not later than 30 days after proposing, and not later than 30 days before finalizing, any Department policies, initiatives, or actions that will have''; and

(2) in paragraph (2)(A), by striking ''not later than 30 days prior to the finalization of'' and inserting ''not later than 60 days before proposing, and not later than 60 days before finalizing,''.

SEC. 903. PENALTIES FOR CUSTOMS BROKERS.

(a) IN GENERAL.—Section 641(d)(1) of the Tariff Act of 1930 (19 U.S.C. 1641(d)(1)) is amended—

(1) in subparagraph (E), by striking ''; or'' and inserting a semicolon;

(2) in subparagraph (F), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(G) has been convicted of committing or conspiring to commit an act of terrorism described in section 2332b of title 18, United States Code.''.

(b) TECHNICAL AMENDMENTS.—Section 641 of the Tariff Act of 1930 (19 U.S.C. 1641) is amended—

(1) by striking ''the Customs Service'' each place it appears and inserting ''U.S. Customs and Border Protection'';

(2) in subsection (d)(2)(B), by striking ''The Customs Service'' and inserting ''U.S. Customs and Border Protection''; and

(3) in subsection (g)(2)(B), by striking ''Secretary's notice'' and inserting ''notice under subparagraph (A)''.

SEC. 904. AMENDMENTS TO CHAPTER 98 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) ARTICLES EXPORTED AND RETURNED, ADVANCED OR IMPROVED ABROAD.—

(1) IN GENERAL.—U.S. Note 3 to subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by adding at the end the following:

''(f)(1) For purposes of subheadings 9802.00.40 and 9802.00.50, fungible articles exported from the United States for the purposes described in such subheadings—

''(A) may be commingled; and

''(B) the origin, value, and classification of such articles may be accounted for using an inventory management method.

''(2) If a person chooses to use an inventory management method under this paragraph with respect to fungible articles, the person shall use the same inventory management method for any other articles with respect to which the person claims fungibility under this paragraph.

''(3) For the purposes of this paragraph—

''(A) the term 'fungible articles' means merchandise or articles that, for commercial purposes, are identical or interchangeable in all situations; and

''(B) the term 'inventory management method' means any method for managing inventory that is based on generally accepted accounting principles.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection applies to articles classifiable under subheading 9802.00.40 or 9802.00.50 of the Harmonized Tariff Schedule of the United States that are entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of the enactment of this Act.

(b) MODIFICATION OF PROVISIONS RELATING TO RETURNED PROPERTY.—

(1) IN GENERAL.—The article description for heading 9801.00.10 of the Harmonized Tariff Schedule of the United States is amended by inserting after ''exported'' the following: '', or any other products when returned within 3 years after having been exported''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of the enactment of this Act.

(c) DUTY-FREE TREATMENT FOR CERTAIN UNITED STATES GOVERNMENT PROPERTY RETURNED TO THE UNITED STATES.—

(1) IN GENERAL.—Subchapter I of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9801.00.11	United States Government property, returned to the United States without having been advanced in value or improved in condition by any means while abroad, entered by the United States Government or a contractor to the United States Government, and certified by the importer as United States Government property	Free					''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of the enactment of this Act.

SEC. 905. EXEMPTION FROM DUTY OF RESIDUE OF BULK CARGO CONTAINED IN INSTRUMENTS OF INTERNATIONAL TRAFFIC PREVIOUSLY EXPORTED FROM THE UNITED STATES.

(a) IN GENERAL.—General Note 3(e) of the Harmonized Tariff Schedule of the United States is amended—

(1) in subparagraph (v), by striking ''and'' at the end;

(2) in subparagraph (vi), by adding ''and'' at the end;

(3) by inserting after subparagraph (vi) (as so amended) the following new subparagraph:

''(vii) residue of bulk cargo contained in instruments of international traffic previously exported from the United States,''; and

(4) by adding at the end of the flush text following subparagraph (vii) (as so added) the following: ''For purposes of subparagraph (vii) of this paragraph: The term 'residue' means material of bulk cargo that remains in an instrument of international traffic after the bulk cargo is removed, with a quantity, by weight or volume, not exceeding 7 percent of the bulk cargo, and with no or de minimis value. The term 'bulk cargo' means cargo that is unpackaged and is in either solid, liquid, or gaseous form. The term 'instruments of international traffic' means containers or holders, capable of and suitable for repeated use, such as lift vans, cargo vans, shipping tanks, skids, pallets, caul boards, and cores for textile fabrics, arriving (whether loaded or empty) in use or to be used in the shipment of merchandise in international traffic, and any additional articles or classes of articles that the Commissioner responsible for U.S. Customs and Border Protection designates as instruments of international traffic.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply with respect to residue of bulk cargo contained in instruments of international traffic that are imported into the customs territory of the United States on or after such date of enactment and that previously have been exported from the United States.

SEC. 906. DRAWBACK AND REFUNDS.

(a) ARTICLES MADE FROM IMPORTED MERCHANDISE.—Section 313(a) of the Tariff Act of 1930 (19 U.S.C. 1313(a)) is amended by striking ''the full amount of the duties paid upon the merchandise so used shall be refunded as drawback, less 1 per centum of such duties, except that such'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l) shall be refunded as drawback, except that''.

(b) SUBSTITUTION FOR DRAWBACK PURPOSES.—Section 313(b) of the Tariff Act of 1930 (19 U.S.C. 1313(b)) is amended—

(1) by striking ''If imported'' and inserting the following:

''(1) IN GENERAL.—If imported'';

(2) by striking ''and any other merchandise (whether imported or domestic) of the same kind and quality are'' and inserting ''or merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise is'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''the receipt of such imported merchandise by the manufacturer or producer of such articles'' and inserting ''the date of importation of such imported merchandise'';

(5) by inserting ''or articles classifiable under the same 8-digit HTS subheading number as such articles,'' after ''any such articles,'';

(6) by striking ''an amount of drawback equal to'' and all that follows through the end period and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l), but only if those articles have not been used prior to such exportation or destruction.''; and

(7) by adding at the end the following:

''(2) REQUIREMENTS RELATING TO TRANSFER OF MERCHANDISE.—

''(A) MANUFACTURERS AND PRODUCERS.—Drawback shall be allowed under paragraph (1) with respect to an article manufactured or produced using imported merchandise or other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise only if the manufacturer or producer of the article received such imported merchandise or such other merchandise, directly or indirectly, from the importer.

''(B) EXPORTERS AND DESTROYERS.—Drawback shall be allowed under paragraph (1) with respect to a manufactured or produced article that is exported or destroyed only if the exporter or destroyer received that article or an article classifiable under the same 8-digit HTS subheading number as that article, directly or indirectly, from the manufacturer or producer.

''(C) EVIDENCE OF TRANSFER.—Transfers of merchandise under subparagraph (A) and transfers of articles under subparagraph (B) may be evidenced by business records kept in the normal course of business and no additional certificates of transfer or manufacture shall be required.

''(3) SUBMISSION OF BILL OF MATERIALS OR FORMULA.—

''(A) IN GENERAL.—Drawback shall be allowed under paragraph (1) with respect to an article manufactured or produced using imported merchandise or other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise only if the person making the drawback claim submits with the claim a bill of materials or formula identifying the merchandise and article by the 8-digit HTS subheading number and the quantity of the merchandise.

''(B) BILL OF MATERIALS AND FORMULA DEFINED.—In this paragraph, the terms 'bill of materials' and 'formula' mean records kept in the normal course of business that identify each component incorporated into a manufactured or produced article or that identify the quantity of each element, material, chemical, mixture, or other substance incorporated into a manufactured article.

''(4) SPECIAL RULE FOR SOUGHT CHEMICAL ELEMENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1), a sought chemical element may be—

''(i) considered imported merchandise, or merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise, used in the manufacture or production of an article as described in paragraph (1); and

''(ii) substituted for source material containing that sought chemical element, without regard to whether the sought chemical element and the source material are classifiable under the same 8-digit HTS subheading number, and apportioned quantitatively, as appropriate.

''(B) SOUGHT CHEMICAL ELEMENT DEFINED.—In this paragraph, the term 'sought chemical element' means an element listed in the Periodic Table of Elements that is imported into the United States or a chemical compound consisting of those elements, either separately in elemental form or contained in source material.''.

(c) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—Section 313(c) of the Tariff Act of 1930 (19 U.S.C. 1313(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)(ii), by striking ''under a certificate of delivery'' each place it appears;

(B) in subparagraph (D)—

(i) by striking ''3'' and inserting ''5''; and

(ii) by striking ''the Customs Service'' and inserting ''U.S. Customs and Border Protection''; and

(C) in the flush text at the end, by striking ''the full amount of the duties paid upon such merchandise, less 1 percent,'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)'';

(2) in paragraph (2), by striking ''the Customs Service'' and inserting ''U.S. Customs and Border Protection''; and

(3) by amending paragraph (3) to read as follows:

''(3) EVIDENCE OF TRANSFERS.—Transfers of merchandise under paragraph (1) may be evidenced by business records kept in the normal course of business and no additional certificates of transfer shall be required.''.

(d) PROOF OF EXPORTATION.—Section 313(i) of the Tariff Act of 1930 (19 U.S.C. 1313(i)) is amended to read as follows:

''(i) PROOF OF EXPORTATION.—A person claiming drawback under this section based on the exportation of an article shall provide proof of the exportation of the article. Such proof of exportation—

''(1) shall establish fully the date and fact of exportation and the identity of the exporter; and

''(2) may be established through the use of records kept in the normal course of business or through an electronic export system of the United States Government, as determined by the Commissioner responsible for U.S. Customs and Border Protection.''.

(e) UNUSED MERCHANDISE DRAWBACK.—Section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), in the matter preceding clause (i)—

(i) by striking ''3-year'' and inserting ''5-year''; and

(ii) by inserting ''and before the drawback claim is filed'' after ''the date of importation''; and

(B) in the flush text at the end, by striking ''99 percent of the amount of each duty, tax, or fee so paid'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''paragraph (4)'' and inserting ''paragraphs (4), (5), and (6)'';

(B) in subparagraph (A), by striking ''commercially interchangeable with'' and inserting ''classifiable under the same 8-digit HTS subheading number as'';

(C) in subparagraph (B)—

(i) by striking ''3-year'' and inserting ''5-year''; and

(ii) by inserting ''and before the drawback claim is filed'' after ''the imported merchandise'';

(D) in subparagraph (C)(ii), by striking subclause (II) and inserting the following:

''(II) received the imported merchandise, other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise, or any combination of such imported merchandise and such other merchandise, directly or indirectly from the person who imported and paid any duties, taxes, and fees imposed under Federal law upon importation or entry and due on the imported merchandise (and any such transferred merchandise, regardless of its origin, will be treated as the imported merchandise and any retained merchandise will be treated as domestic merchandise);''; and

(E) in the flush text at the end—

(i) by striking ''the amount of each such duty, tax, and fee'' and all that follows through ''99 percent of that duty, tax, or fee'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l) shall be refunded as drawback''; and

(ii) by striking the last sentence and inserting the following: ''Notwithstanding subparagraph (A), drawback shall be allowed under this paragraph with respect to wine if the imported wine and the exported wine are of the same color and the price variation between the imported wine and the exported wine does not exceed 50 percent. Transfers of merchandise may be evidenced by business records kept in the normal course of business and no additional certificates of transfer shall be required.'';

(3) in paragraph (3)(B), by striking ''the commercially interchangeable merchandise'' and inserting ''merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise''; and

(4) by adding at the end the following:

''(5)(A) For purposes of paragraph (2) and except as provided in subparagraph (B), merchandise may not be substituted for imported merchandise for drawback purposes based on the 8-digit HTS subheading number if the article description for the 8-digit HTS subheading number under which the imported merchandise is classified begins with the term 'other'.

''(B) In cases described in subparagraph (A), merchandise may be substituted for imported merchandise for drawback purposes if—

''(i) the other merchandise and such imported merchandise are classifiable under the same 10-digit HTS statistical reporting number; and

''(ii) the article description for that 10-digit HTS statistical reporting number does not begin with the term 'other'.

''(6)(A) For purposes of paragraph (2), a drawback claimant may use the first 8 digits of the 10-digit Schedule B number for merchandise or an article to determine if the merchandise or article is classifiable under the same 8-digit HTS subheading number as the imported merchandise, without regard to whether the Schedule B number corresponds to more than one 8-digit HTS subheading number.

''(B) In this paragraph, the term 'Schedule B' means the Department of Commerce Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States.''.

(f) LIABILITY FOR DRAWBACK CLAIMS.—Section 313(k) of the Tariff Act of 1930 (19 U.S.C. 1313(k)) is amended to read as follows:

''(k) LIABILITY FOR DRAWBACK CLAIMS.—

''(1) IN GENERAL.—Any person making a claim for drawback under this section shall be liable for the full amount of the drawback claimed.

''(2) LIABILITY OF IMPORTERS.—An importer shall be liable for any drawback claim made by another person with respect to merchandise imported by the importer in an amount equal to the lesser of—

''(A) the amount of duties, taxes, and fees that the person claimed with respect to the imported merchandise; or

''(B) the amount of duties, taxes, and fees that the importer authorized the other person to claim with respect to the imported merchandise.

''(3) JOINT AND SEVERAL LIABILITY.—Persons described in paragraphs (1) and (2) shall be jointly and severally liable for the amount described in paragraph (2).''.

(g) REGULATIONS.—Section 313(l) of the Tariff Act of 1930 (19 U.S.C. 1313(l)) is amended to read as follows:

''(l) REGULATIONS.—

''(1) IN GENERAL.—Allowance of the privileges provided for in this section shall be subject to compliance with such rules and regulations as the Secretary of the Treasury shall prescribe.

''(2) CALCULATION OF DRAWBACK.—

''(A) IN GENERAL.—Not later than the date that is 2 years after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015 (or, if later, the effective date provided for in section 906(q)(2)(B) of that Act), the Secretary shall prescribe regulations for determining the calculation of amounts refunded as drawback under this section.

''(B) REQUIREMENTS.—The regulations required by subparagraph (A) for determining the calculation of amounts refunded as drawback under this section shall provide for a refund of 99 percent of the duties, taxes, and fees paid with respect to the imported merchandise, except that where there is substitution of the merchandise or article, then—

''(i) in the case of an article that is exported, the amount of the refund shall be equal to 99 percent of the lesser of—

''(I) the amount of duties, taxes, and fees paid with respect to the imported merchandise; or

''(II) the amount of duties, taxes, and fees that would apply to the exported article if the exported article were imported; and

''(ii) in the case of an article that is destroyed, the amount of the refund shall be an amount that is—

''(I) equal to 99 percent of the lesser of—

''(aa) the amount of duties, taxes, and fees paid with respect to the imported merchandise; and

''(bb) the amount of duties, taxes, and fees that would apply to the destroyed article if the destroyed article were imported; and

''(II) reduced by the value of materials recovered during destruction as provided in subsection (x).

''(3) STATUS REPORTS ON REGULATIONS.—Not later than the date that is one year after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, and annually thereafter until the regulations required by paragraph (2) are final, the Secretary shall submit to Congress a report on the status of those regulations.''.

(h) SUBSTITUTION OF FINISHED PETROLEUM DERIVATIVES.—Section 313(p) of the Tariff Act of 1930 (19 U.S.C. 1313(p)) is amended—

(1) by striking ''Harmonized Tariff Schedule of the United States'' each place it appears and inserting ''HTS''; and

(2) in paragraph (3)(A)—

(A) in clause (ii)(III), by striking '', as so certified in a certificate of delivery or certificate of manufacture and delivery''; and

(B) in the flush text at the end—

(i) by striking '', as so designated on the certificate of delivery or certificate of manufacture and delivery''; and

(ii) by striking the last sentence and inserting the following: ''The party transferring the merchandise shall maintain records kept in the normal course of business to demonstrate the transfer.''.

(i) PACKAGING MATERIAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)) is amended—

(1) in paragraph (1), by striking ''of 99 percent of any duty, tax, or fee imposed under Federal law on such imported material'' and inserting ''in an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)'';

(2) in paragraph (2), by striking ''of 99 percent of any duty, tax, or fee imposed under Federal law on the imported or substituted merchandise used to manufacture or produce such material'' and inserting ''in an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)''; and

(3) in paragraph (3), by striking ''they contain'' and inserting ''it contains''.

(j) FILING OF DRAWBACK CLAIMS.—Section 313(r) of the Tariff Act of 1930 (19 U.S.C. 1313(r)) is amended—

(1) in paragraph (1)—

(A) by striking the first sentence and inserting the following: ''A drawback entry shall be filed or applied for, as applicable, not later than 5 years after the date on which merchandise on which drawback is claimed was imported.'';

(B) in the second sentence, by striking ''3-year'' and inserting ''5-year''; and

(C) in the third sentence, by striking ''the Customs Service'' and inserting ''U.S. Customs and Border Protection'';

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''The Customs Service'' and inserting ''U.S. Customs and Border Protection'';

(ii) in clauses (i) and (ii), by striking ''the Customs Service'' each place it appears and inserting ''U.S. Customs and Border Protection''; and

(iii) in clause (ii)(I), by striking ''3-year'' and inserting ''5-year''; and

(B) in subparagraph (B), by striking ''the periods of time for retaining records set forth in subsection (t) of this section and'' and inserting ''the period of time for retaining records set forth in''; and

(3) by adding at the end the following:

''(4) All drawback claims filed on and after the date that is 2 years after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015 (or, if later, the effective date provided for in section 906(q)(2)(B) of that Act) shall be filed electronically.''.

(k) DESIGNATION OF MERCHANDISE BY SUCCESSOR.—Section 313(s) of the Tariff Act of 1930 (19 U.S.C. 1313(s)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) subject to paragraphs (5) and (6) of subsection (j), imported merchandise, other merchandise classifiable under the same 8-

digit HTS subheading number as such imported merchandise, or any combination of such imported merchandise and such other merchandise, that the predecessor received, before the date of succession, from the person who imported and paid any duties, taxes, and fees due on the imported merchandise;''; and

(2) in paragraph (4), by striking ''certifies that'' and all that follows and inserting ''certifies that the transferred merchandise was not and will not be claimed by the predecessor.''.

(l) DRAWBACK CERTIFICATES.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by striking subsection (t).

(m) DRAWBACK FOR RECOVERED MATERIALS.—Section 313(x) of the Tariff Act of 1930 (19 U.S.C. 1313(x)) is amended by striking ''and (c)'' and inserting ''(c), and (j)''.

(n) DEFINITIONS.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following:

''(z) DEFINITIONS.—In this section:

''(1) DIRECTLY.—The term 'directly' means a transfer of merchandise or an article from one person to another person without any intermediate transfer.

''(2) HTS.—The term 'HTS' means the Harmonized Tariff Schedule of the United States.

''(3) INDIRECTLY.—The term 'indirectly' means a transfer of merchandise or an article from one person to another person with one or more intermediate transfers.''.

(o) RECORDKEEPING.—Section 508(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1508(c)(3)) is amended—

(1) by striking ''3rd'' and inserting ''5th''; and

(2) by striking ''payment'' and inserting ''liquidation''.

(p) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—

(1) IN GENERAL.—Not later than one year after the issuance of the regulations required by subsection (l)(2) of section 313 of the Tariff Act of 1930, as added by subsection (g), the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the modernization of drawback and refunds under section 313 of the Tariff Act of 1930, as amended by this section.

(2) CONTENTS.—The report required by paragraph (1) include the following:

(A) An assessment of the modernization of drawback and refunds under section 313 of the Tariff Act of 1930, as amended by this section.

(B) A description of drawback claims that were permissible before the effective date provided for in subsection (q) that are not permissible after that effective date and an identification of industries most affected.

(C) A description of drawback claims that were not permissible before the effective date provided for in subsection (q) that are permissible after that effective date and an identification of industries most affected.

(q) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall—

(A) take effect on the date of the enactment of this Act; and

(B) except as provided in paragraphs (2)(B) and (3), apply to drawback claims filed on or after the date that is 2 years after such date of enactment.

(2) REPORTING OF OPERABILITY OF AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and not later than 2 years after such date of enactment, the Secretary of the Treasury shall submit to Congress a report on—

(i) the date on which the Automated Commercial Environment will be ready to process drawback claims; and

(ii) the date on which the Automated Export System will be ready to accept proof of exportation under subsection (i) of section 313 of the Tariff Act of 1930, as amended by subsection (d).

(B) DELAY OF EFFECTIVE DATE.—If the Secretary indicates in the report required by subparagraph (A) that the Automated Commercial Environment will not be ready to process drawback claims by the date that is 2 years after the date of the enactment of this Act, the amendments made by this section shall apply to drawback claims filed on and after the date on which the Secretary certifies that the Automated Commercial Environment is ready to process drawback claims.

(3) TRANSITION RULE.—During the one-year period beginning on the date that is 2 years after the date of the enactment of this Act (or, if later, the effective date provided for in paragraph (2)(B)), a person may elect to file a claim for drawback under—

(A) section 313 of the Tariff Act of 1930, as amended by this section; or

(B) section 313 of the Tariff Act of 1930, as in effect on the day before the date of the enactment of this Act.

SEC. 907. INCLUSION OF CERTAIN INFORMATION IN SUBMISSION OF NOMINATION FOR APPOINTMENT AS DEPUTY UNITED STATES TRADE REPRESENTATIVE.

Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended by adding at the end the following:

''(5) When the President submits to the Senate for its advice and consent a nomination of an individual for appointment as a Deputy United States Trade Representative under paragraph (2), the President shall include in that submission information on the country, regional offices, and functions of the Office of the United States Trade Representative with respect to which that individual will have responsibility.''.

SEC. 908. BIENNIAL REPORTS REGARDING COMPETITIVENESS ISSUES FACING THE UNITED STATES ECONOMY AND COMPETITIVE CONDITIONS FOR CERTAIN KEY UNITED STATES INDUSTRIES.

(a) IN GENERAL.—The United States International Trade Commission shall conduct a series of investigations, and submit a report on each such investigation in accordance with subsection (c), regarding competitiveness issues facing the economy of the United States and competitive conditions for certain key United States industries.

(b) CONTENTS OF REPORT.—

(1) IN GENERAL.—Each report required by subsection (a) shall include, to the extent practicable, the following:

(A) A detailed assessment of competitiveness issues facing the economy of the United States, over the 10-year period beginning on the date on which the report is submitted, that includes—

(i) projections, over that 10-year period, of economic measures, such as measures relating to production in the United States and United States trade, for the economy of the United States and for key United States industries, based on ongoing trends in the economy of the United States and global economies and incorporating estimates from prominent United States, foreign, multinational, and private sector organizations; and

(ii) a description of factors that drive economic growth, such as domestic productivity, the United States workforce, foreign demand for United States goods and services, and industry-specific developments.

(B) A detailed assessment of a key United States industry or key United States industries that, to the extent practicable—

(i) identifies with respect to each such industry the principal factors driving competitiveness as of the date on which the report is submitted; and

(ii) describes, with respect to each such industry, the structure of the global industry, its market characteristics, current industry trends, relevant policies and programs of foreign governments, and principal factors affecting future competitiveness.

(2) SELECTION OF KEY UNITED STATES INDUSTRIES.—

(A) IN GENERAL.—In conducting assessments required under paragraph (1)(B), the Commission shall, to the extent practicable, select a different key United States industry or different key United States industries for purposes of each report required by subsection (a).

(B) CONSULTATIONS WITH CONGRESS.—The Commission shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives before selecting the key United States industry or key United States industries for purposes of each report required by subsection (a).

(c) SUBMISSION OF REPORTS.—

(1) IN GENERAL.—Not later than May 15, 2017, and every 2 years thereafter through 2025, the Commission shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the most recent investigation conducted under subsection (a).

(2) EXTENSION OF DEADLINE.—The Commission may, after consultation with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, submit a report under paragraph (1) later than the date required by that paragraph.

(3) CONFIDENTIAL BUSINESS INFORMATION.—A report submitted under paragraph (1) shall not include any confidential business information unless—

(A) the party that submitted the confidential business information to the Commission had notice, at the time of submission, that the information would be released by the Commission; or

(B) that party consents to the release of the information.

(d) KEY UNITED STATES INDUSTRY DEFINED.—In this section, the term ''key United States industry'' means a goods or services industry that—

(1) contributes significantly to United States economic activity and trade; or

(2) is a potential growth area for the United States and global markets.

SEC. 909. REPORT ON CERTAIN U.S. CUSTOMS AND BORDER PROTECTION AGREEMENTS.

(a) IN GENERAL.—Not later than one year after entering into an agreement under a program specified in subsection (b), and annually thereafter until the termination of the program, the Commissioner shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes the following:

(1) A description of the development of the program.

(2) A description of the type of entity with which U.S. Customs and Border Protection entered into the agreement and the amount that entity reimbursed U.S. Customs and Border Protection under the agreement.

(3) An identification of the type of port of entry to which the agreement relates and an assessment of how the agreement provides economic benefits at the port of entry.

(4) A description of the services provided by U.S. Customs and Border Protection under the agreement during the year preceding the submission of the report.

(5) The amount of fees collected under the agreement during that year.

(6) A detailed accounting of how the fees collected under the agreement have been spent during that year.

(7) A summary of any complaints or criticism received by U.S. Customs and Border Protection during that year regarding the agreement.

(8) An assessment of the compliance of the entity described in paragraph (2) with the terms of the agreement.

(9) Recommendations with respect to how activities conducted pursuant to the agreement could function more effectively or better produce economic benefits.

(10) A summary of the benefits to and challenges faced by U.S. Customs and Border Protection and the entity described in paragraph (2) under the agreement.

(b) PROGRAM SPECIFIED.—A program specified in this subsection is—

(1) the program for entering into reimbursable fee agreements for the provision of U.S. Customs and Border Protection services established by section 560 of the Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113–6; 127 Stat. 378); or

(2) the pilot program authorizing U.S. Customs and Border Protection to enter into partnerships with private sector and government entities at ports of entry established by section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76; 6 U.S.C. 211 note).

SEC. 910. CHARTER FLIGHTS.

Section 13031(e)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)(1)) is amended—

(1) by striking ''(1) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than paragraph (2))'' and inserting the following:

''(1)(A) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than subparagraph (B) and paragraph (2))''; and

(2) by adding at the end the following:

''(B)(i) An appropriate officer of U.S. Customs and Border Protection may assign a sufficient number of employees of U.S. Customs and Border Protection (if available) to perform services described in clause (ii) for a charter air carrier (as defined in section 40102 of title 49, United States Code) for a charter flight arriving after normal operating hours at an airport that is an established port of entry serviced by U.S. Customs and Border Protection, notwithstanding that overtime funds for those services are not available, if the charter air carrier—

''(I) not later than 4 hours before the flight arrives, specifically requests that such services be provided; and

''(II) pays any overtime fees incurred in connection with such services.

''(ii) Services described in this clause are customs services for passengers and their baggage or any other such service that could lawfully be performed during regular hours of operation.''.

SEC. 911. AMENDMENT TO TARIFF ACT OF 1930 TO REQUIRE COUNTRY OF ORIGIN MARKING OF CERTAIN CASTINGS.

(a) IN GENERAL.—Section 304(e) of the Tariff Act of 1930 (19 U.S.C. 1304(e)) is amended—

(1) in the subsection heading, by striking ''MANHOLE RINGS OR FRAMES, COVERS, AND ASSEMBLIES THEREOF'' and inserting ''CASTINGS'';

(2) by inserting ''inlet frames, tree and trench grates, lampposts, lamppost bases, cast utility poles, bollards, hydrants, utility boxes,'' before ''manhole rings,''; and

(3) by adding at the end before the period the following: ''in a location such that it will remain visible after installation''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply with respect to the importation of castings described in such amendments on or after the date that is 180 days after such date of enactment.

SEC. 912. ELIMINATION OF CONSUMPTIVE DEMAND EXCEPTION TO PROHIBITION ON IMPORTATION OF GOODS MADE WITH CONVICT LABOR, FORCED LABOR, OR INDENTURED LABOR; REPORT.

(a) ELIMINATION OF CONSUMPTIVE DEMAND EXCEPTION.—

(1) IN GENERAL.—Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by striking ''The provisions of this section'' and all that follows through ''of the United States.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 15 days after the date of the enactment of this Act.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Commissioner shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on compliance with section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) that includes the following:

(1) The number of instances in which merchandise was denied entry pursuant to that section during the 1-year period preceding the submission of the report.

(2) A description of the merchandise denied entry pursuant to that section.

(3) Such other information as the Commissioner considers appropriate with respect to monitoring and enforcing compliance with that section.

SEC. 913. IMPROVED COLLECTION AND USE OF LABOR MARKET INFORMATION.

Section 1137 of the Social Security Act (42 U.S.C. 1320b–7) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting ''(including the occupational information under subsection (g))'' after ''paragraph (3) of this subsection''; and

(B) in paragraph (3), by striking ''employers (as defined'' and inserting ''subject to subsection (g), employers (as defined''; and

(2) by adding at the end the following new subsection:

''(g)(1) Beginning January 1, 2017, each quarterly wage report required to be submitted by an employer under subsection (a)(3) shall include such occupational information with respect to each employee of the employer that permits the classification of such employees into occupational categories as found in the Standard Occupational Classification (SOC) system.

''(2) The State agency receiving the occupational information described in paragraph (1) shall make such information available to the Secretary of Labor pursuant to procedures established by the Secretary of Labor.

''(3)(A) The Secretary of Labor shall make occupational information submitted under paragraph (2) available to other State and Federal agencies, including the United States Census Bureau, the Bureau of Labor Statistics, and other State and Federal research agencies.

''(B) Disclosure of occupational information under subparagraph (A) shall be subject to the agency having safeguards in place that meet the requirements under paragraph (4).

''(4) The Secretary of Labor shall establish and implement safeguards for the dissemination and, subject to paragraph (5), the use of occupational information received under this subsection.

''(5) Occupational information received under this subsection shall only be used to classify employees into occupational categories as found in the Standard Occupational Classification (SOC) system and to analyze and evaluate occupations in order to improve the labor market for workers and industries.

''(6) The Secretary of Labor shall establish procedures to verify the accuracy of information received under paragraph (2).''.

SEC. 914. STATEMENTS OF POLICY WITH RESPECT TO ISRAEL.

Congress—

(1) supports the strengthening of United States-Israel economic cooperation and recognizes the tremendous strategic, economic, and technological value of cooperation with Israel;

(2) recognizes the benefit of cooperation with Israel to United States companies, including by improving United States competitiveness in global markets;

(3) recognizes the importance of trade and commercial relations to the pursuit and sustainability of peace, and supports efforts to bring together the United States, Israel, the Palestinian territories, and others in enhanced commerce;

(4) opposes politically motivated actions that penalize or otherwise limit commercial relations specifically with Israel such as boycotts, divestment or sanctions;

(5) notes that the boycott, divestment, and sanctioning of Israel by governments, governmental bodies, quasi-governmental bodies, international organizations, and other such entities is contrary to the General Agreement on Tariffs and Trade (GATT) principle of nondiscrimination;

(6) encourages the inclusion of politically motivated actions that penalize or otherwise limit commercial relations specifically with Israel such as boycotts, divestment from, or sanctions against Israel as a topic of discussion at the U.S.-Israel Joint Economic Development Group (JEDG) and other areas to support the strengthening of the United States-Israel commercial relationship and combat any commercial discrimination against Israel;

(7) supports efforts to prevent investigations or prosecutions by governments or international organizations of United States persons on the sole basis of such persons doing business with Israel, with Israeli entities, or in territories controlled by Israel; and

(8) supports States of the United States examining a company's promotion or compliance with unsanctioned boycotts, divestment from, or sanctions against Israel as part of its consideration in awarding grants and contracts and supports the divestment of State assets from companies that support or promote actions to boycott, divest from, or sanction Israel.

TITLE X—OFFSETS

SEC. 1001. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN UNPAID TAXES.

(a) IN GENERAL.—Subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN TAX DELINQUENCIES.

''(a) IN GENERAL.—If the Secretary receives certification by the Commissioner of Internal Revenue that any individual has a seriously delinquent tax debt in an amount in excess of $50,000, the Secretary shall transmit such certification to the Secretary of State for action with respect to denial, revocation, or limitation of a passport pursuant to section 1001(d) of the Trade Facilitation and Trade Enforcement Act of 2015.

''(b) SERIOUSLY DELINQUENT TAX DEBT.—For purposes of this section, the term 'seriously delinquent tax debt' means an outstanding debt under this title for which a notice of lien has been filed in public records pursuant to section 6323 or a notice of levy has been filed pursuant to section 6331, except that such term does not include—

''(1) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, and

''(2) a debt with respect to which collection is suspended because a collection due process hearing under section 6330, or relief under subsection (b), (c), or (f) of section 6015, is requested or pending.

''(c) ADJUSTMENT FOR INFLATION.—In the case of a calendar year beginning after 2016, the dollar amount in subsection (a) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next highest multiple of $1,000.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies.''.

(c) AUTHORITY FOR INFORMATION SHARING.—

(1) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(23) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF STATE FOR PURPOSES OF PASSPORT REVOCATION UNDER SECTION 7345.—

''(A) IN GENERAL.—The Secretary shall, upon receiving a certification described in section 7345, disclose to the Secretary of State return information with respect to a taxpayer who has a seriously delinquent tax debt described in such section. Such return information shall be limited to—

''(i) the taxpayer identity information with respect to such taxpayer, and

''(ii) the amount of such seriously delinquent tax debt.

''(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of State for the purposes of, and to the extent necessary in, carrying out the requirements of section 1001(d) of the Trade Facilitation and Trade Enforcement Act of 2015.''.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 6103(p) of such Code is amended by striking ''or (22)'' each place it appears in subparagraph (F)(ii) and in the matter preceding subparagraph (A) and inserting ''(22), or (23)''.

(d) AUTHORITY TO DENY OR REVOKE PASSPORT.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving a certification described in section 7345 of the Internal Revenue Code of 1986 from the Secretary of the Treasury, the Secretary of State shall not issue a passport to any individual who has a seriously delinquent tax debt described in such section.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in such subparagraph.

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(3) HOLD HARMLESS.—The Secretary of the Treasury and the Secretary of State shall not be liable to an individual for any action with respect to a certification by the Commissioner of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(e) REVOCATION OR DENIAL OF PASSPORT IN CASE OF INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT NUMBER.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving an application for a passport from an individual that either—

(i) does not include the social security account number issued to that individual, or

(ii) includes an incorrect or invalid social security number willfully, intentionally, negligently, or recklessly provided by such individual,

the Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(f) EFFECTIVE DATE.—The provisions of, and amendments made by, this section shall take effect on January 1, 2016.

SEC. 1002. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

''(C) Fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on July 8, 2025, and ending on July 28, 2025.''.

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States-Korea Free Trade Agreement Implementation Act (Public Law 112–41; 125 Stat. 460) is amended—

(1) by striking ''For the period'' and inserting ''(a) IN GENERAL.—For the period''; and

(2) by adding at the end the following:

''(b) ADDITIONAL PERIOD.—For the period beginning on July 1, 2025, and ending on July 14, 2025, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

''(1) in subparagraph (A), by substituting '0.3464' for '0.21'; and

''(2) in subparagraph (B)(i), by substituting '0.3464' for '0.21'.''.

SA 1225. Mr. MCCONNELL (for Mr. LEE) proposed an amendment to the concurrent resolution S. Con. Res. 10, supporting the designation of the year of 2015 as the ''International Year of Soils'' and supporting locally led soil conservation; as follows:

On page 2, line 13, insert ''voluntary'' before ''landowner participation''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 13, 2015, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 13, 2015, at 2:15 p.m., to conduct a hearing entitled ''Safeguarding American Interests in the East and South China Seas.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 13, 2015, at 2 p.m., to conduct a hearing entitled ''Securing the Border: Fencing, Infrastructure, and Technology Force Multipliers.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 13, 2015, in room SD–628 of the Dirksen Senate Office Building, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meed during the session of the Senate on May 13, 2015, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Protecting the Constitutional Right to Counsel for Indigents Charged with Misdemeanors.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on May 13, 2015, at 3 p.m. in room SR–418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that Kevin Rosenbaum, the detailee on the Senate Committee on Finance; Andrew Rollo, detailee on the Senate Committee on Finance; Sahra Su, a fellow to the Senate Committee on Finance; and Kenneth Schmidt, clerk to the Senate Committee on Finance, be granted floor privileges for the duration of the Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING THE DESIGNATION OF THE YEAR OF 2015 AS THE INTERNATIONAL YEAR OF SOILS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Agriculture, Nutrition, and Forestry Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Con. Res. 10.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 10) supporting the designation of the year of 2015 as the ''International Year of Soils'' and supporting locally led soil conservation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. I ask unanimous consent that the Lee amendment at the desk be agreed to, the concurrent resolution, as amended, be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1225) was agreed to, as follows:

(Purpose: To clarify the support of Congress for voluntary landowner participation in certain conservation programs)

On page 2, line 13, insert ''voluntary'' before ''landowner participation''.

The concurrent resolution (S. Con. Res. 10), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended, with its preamble, reads as follows:

S. CON. RES. 10

Whereas many of the international partners of the United States are designating 2015 as the ''International Year of Soils'';

Whereas soil is vitally important for food security and essential ecosystem functions;

Whereas soil conservation efforts in the United States are often locally led;

Whereas 2015 also marks the 80th anniversary of the signing of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.) on April 27, 1935;

Whereas soils, as the foundation for agricultural production, essential ecosystem functions, and food security, are key to sustaining life on Earth;

Whereas soils and the science of soils contribute to improved water quality, food safety and security, healthy ecosystems, and human health; and

Whereas soil, plant, animal, and human health are intricately linked: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the designation of 2015 as the ''International Year of Soils'';

(2) encourages the public to participate in activities that celebrate the importance of soils to the current and future well-being of the United States; and

(3) supports conservation of the soils of the United States, through—

(A) partnership with local soil and water conservation districts; and

(B) voluntary landowner participation in—

(i) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

(ii) the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.);

(iii) the conservation stewardship program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838D et seq.);

(iv) the agricultural conservation easement program established under subtitle H of title XII of the Food Security Act of 1985 (16 U.S.C. 3865 et seq.);

(v) the regional conservation partnership program established under subtitle I of title XII of the Food Security Act of 1985 (16 U.S.C. 3871 et seq.); and

(vi) the small watershed rehabilitation program established under section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012).

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Honorable JEANNE SHAHEEN of New Hampshire (Committee on Appropriations) and the Honorable BENJAMIN CARDIN of Maryland (At Large).

The Chair, on behalf of the Vice President, pursuant to section 1295b(h) of title 46 App., United States Code, appointis the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Honorable GARY C. PETERS Michigan (At Large) and the Honorable BRIAN SCHATZ of Hawaii (Committee on Commerce, Science and Transportation).

The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101–595, and further amended by Public Law 113–281, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: the Honorable MARIA CANTWELL of Washington and the Honorable RICHARD BLUMENTHAL of Connecticut.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Honorable TOM UDALL of New Mexico (Committee on Appropriations) and the Honorable MAZIE K. HIRONO (Committee on Armed Services).

ORDERS FOR THURSDAY, MAY 14, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, May 14; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each; further, that following morning business, the Senate then proceed to the consideration of Calendar No. 57, H.R. 1295, and Calendar No. 56, H.R. 644, en bloc, under the previous order; further, that the time from 10 a.m. until noon be equally divided in the usual form; finally, that the time following the votes in relation to H.R. 1295 and H.R. 644 until the cloture vote at 2 p.m. also be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:37 p.m., adjourned until Thursday, May 14, 2015, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 13, 2015:

DEPARTMENT OF JUSTICE

SALLY QUILLIAN YATES, OF GEORGIA, TO BE DEPUTY ATTORNEY GENERAL.